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STATUTES OF CALIFORNIA

AND DIGESTS OF MEASURES

1969

Constitution of 1879 as Amended

Measures Submitted to Vote of Electors,
General Election, November 5, 1968

General Laws, Amendments to the Codes, Resolutions,
and Constitutional Amendments

Passed by the California Legislature at the

1968 First Extraordinary Session

and the

1969 Regular Session

Compiled by
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72—1954

CHAPTER 1175

An act creating the Bighorn Mountains Water Agency, and prescribing its boundaries, organization, operation, management, financing and other powers and duties, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. This act is designated, and may be cited and referred to as, the "Bighorn Mountains Water Agency Law."

SEC. 2. The Bighorn Mountains Water Agency is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory, other than territory included in any public district having identity of purpose or substantial identity of purpose, without the prior consent of such public district, evidenced by a resolution duly adopted by the governing board thereof, and shall include all territory lying within the following described boundaries:

All that real property situate in the County of San Bernardino, State of California, more particularly described as follows:

(a) Township 3 North, Range 4 East, San Bernardino Base and Meridian:

Section 7
Section 8
Section 11
South ½ Section 2
Southwest ¼ Section 12
Section 13, excluding the North ½ of the Northeast ¼
Section 14
Section 15
Section 16
Section 17
East ½ Section 18
Northeast ¼, Northeast ¼, Section 20
North ½ Section 21
North ½ Section 22

(b) Township 3 North, Range 5 East. San Bernardino Base and Meridian:

South ½, South ½, Southwest ¼, Section 4
Section 8
Northwest ¼ and South ½, Section 9
Southwest ¼ Section 10
Section 13
South ½ Section 14

Northwest ¼ and South ½, Section 15
Section 16
Section 17
Section 18
Section 21
Section 22
Section 23
Northwest ¼, Northwest ¼, Section 24
West ½ Section 26
Section 27
Southeast ¼ Section 33
Section 34
Northwest ¼ and South ½, Section 35

(c) Township 2 North, Range 5 East, San Bernardino Base and Meridian:

Section 2
Section 3
Section 10
Section 11
Section 12

(d) Township 2 North, Range 6 East, San Bernardino Base and Meridian:

Section 3
Section 4
Section 5
Section 6
Section 7
Section 8
Section 9
Section 10
Section 14
Section 16
Section 18
West ½, Section 19
Section 22
Section 30
North ½, Northwest ¼, Section 31

SEC. 5. The Board of Directors of the Bighorn Mountains Water Agency organized under this act shall consist of five members. The Board of Supervisors of San Bernardino County shall appoint the first board of directors, each of whom shall be a resident of the agency, and shall hold office until his successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner provided in the Uniform District Election Law.

SEC. 7. No person shall vote at any Bighorn Mountains Water Agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code. For the purpose of registering voters who shall be entitled to vote at Bighorn Mountains Water Agency elections, the county clerk or registrar of voters is authorized, in any county

in which there is the Bighorn Mountains Water Agency to indicate upon the affidavit of registration whether the voter is a voter of the Bighorn Mountains Water Agency.

In case the boundary line of the Bighorn Mountains Water Agency crosses the boundary line of a county election precinct only those voters within such Bighorn Mountains Water Agency and within such precinct who are registered as being voters within the Bighorn Mountains Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said Bighorn Mountains Water Agency, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such Bighorn Mountains Water Agency with the ballots upon which are printed the names of the candidates for office in the Bighorn Mountains Water Agency.

SEC. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general Bighorn Mountains Water Agency elections and all special Bighorn Mountains Water Agency elections, except as in this act or otherwise provided.

SEC. 9. The Board of Directors of Bighorn Mountains Water Agency shall call and canvass all elections involving matters of initiative, recall and referendum and shall call all other elections which it is authorized to canvass.

SEC. 10. Every incumbent of an elective office, whether elected by popular vote for a full term, or chosen by the board of directors to fill a vacancy, is subject to recall by the voters of the Bighorn Mountains Water Agency organized under the provisions of this act in accordance with the recall provisions of the Elections Code of the state with reference to cities.

SEC. 11. The board of directors shall be the governing body of the Bighorn Mountains Water Agency. It shall hold its first meeting as soon as possible after the appointment and certification of the first board of directors; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. At its first meeting in the month of January of each even-numbered year, the board of directors shall choose one of its members president.

SEC. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member

the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Bighorn Mountains Water Agency as follows:" Each of the members of the board of directors shall receive for each attendance at the meetings of the board thirty dollars ($30). No directors, however, shall receive pay for more than three meetings in any calendar month. A director shall be compensated for a meeting of the board if at the time of the holding of such meeting he is on other business of the district, at the request of the board. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director of the agency and shall hold office for the remainder of the unexpired term.

SEC. 13. No informality in any proceeding not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the legal existence of said Bighorn Mountains Water Agency and all proceedings in respect thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 14. The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint by a majority vote a vice president, secretary, treasurer, attorney, chief engineer, general manager and auditor, define their duties and fix their compensation, and each shall serve at the pleasure of the board, and may employ such additional assistants and employees as they may deem necessary to efficiently maintain and operate said agency. Said board may consolidate the office of secretary and treasurer, and the offices of chief engineer and general manager.

SEC. 15. The Bighorn Mountains Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Bighorn Mountains Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any

waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Bighorn Mountains Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. The agency may supply and deliver water to property not subject to agency taxes at special rates, terms, and conditions as are determined by the board for such service.

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, that in lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 7 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Bighorn Mountains Water Agency but shall not otherwise exceed the lesser of either one million five hundred thousand dollars ($1,500,000) or 3 percent of the assessed valuation of the taxable property in the Bighorn Mountains Water Agency, or, if said assessed valuation is not obtainable, 3 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to Section 51 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this subdivision;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance 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;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisitions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or sup-

plementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, or water producers or water users within the agency, or otherwise, and to assume the costs and expenses of any and all actions and proceedings, now or hereafter begun, involving or affecting the ownership or use of water or water rights, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

20.1. To commence, maintain, intervene in, defend and compromise, in the name of the agency, or as a class representative of the inhabitants, property owners, taxpayers, water producers or water users within the agency or otherwise, and to assume the costs and expenses of any and all actions or proceedings, now or hereafter begun, to prevent, control, or abate the pollution of water used or useful for any purpose of the agency, or a common benefit to lands within the agency, or to the inhabitants of the agency, or any watershed or basin overlain in whole or in part by the agency or which contributes to the water supply of the agency.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue revenue bonds for any purpose for which general obligation bonds may be issued, and for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to this agency.

23. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Bighorn Mountains Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Bighorn Mountains Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Bighorn Mountains Water Agency.

(b) "Municipality" and "city" shall mean the Bighorn Mountains Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Bighorn Mountains Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Bighorn Mountains Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Bighorn Mountains Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Bighorn Mountains Water Agency.

SEC. 15.1. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy, for use by the agency in the operation of its works or as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale to any public agency or private entity, or both, or the federal or state government.

SEC. 15.2. In connection with the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for electric energy purposes with any public agency or

private entity engaged in the retail distribution of electric energy, for a term not to exceed 50 years.

SEC. 16. All powers, privileges and duties vested in or imposed upon the Bighorn Mountains Water Agency incorporated hereunder shall be exercised and performed by and through the board of directors; provided, however, that the exercise of any and all executive, administrative and ministerial powers may be by said board of directors delegated and redelegated to any of the officers created hereby and by the board of directors acting hereunder.

The board of directors shall have the power:

(1) To fix the time and place or places at which its regular meetings shall be held, and shall provide for the calling and holding of special meetings.

(2) To fix the location of the principal place of business of the agency and the location of all offices and departments maintained hereunder.

(3) To prescribe by ordinance a system of business administration and to create any and all necessary offices and to establish and reestablish the powers and duties and compensation of all officers and employees and to require and fix the amount of all official bonds necessary for the protection of the funds and property of the agency.

(4) To prescribe by ordinance a system of civil service.

(5) To delegate and redelegate by ordinance to officers of the agency power to employ clerical, legal and eingineering assistants and labor, and under such conditions and restrictions as shall be fixed by the directors, power to bind the agency by contract.

(6) To prescribe a method of auditing and allowing or rejecting claims and demands.

(7) Any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be done by contract and shall be let to the lowest responsible bidder or bidders as provided in this section. The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, if there is a newspaper printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders 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. The bonds shall comply

with Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code. The board may reject any and all bids and readvertise, or by a two-thirds vote may elect to undertake such work by force account. In the event no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board may have the work done by force account without advertising for bids. The agency may purchase in the open market without advertising for bids, materials and supplies for use in any work, 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 ten thousand dollars ($10,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

(8) To fix the rates at which water should be sold, and to establish different rates for different classes or conditions of service; provided, that rates shall be uniform for like classes or conditions of service throughout the agency, but any special water rate fixed in accordance with terms and conditions of annexation, shall be deemed to be a rate for a different class or condition of service.

SEC. 17. A finding by the board of directors upon the existence, threat, or duration of an emergency or shortage of water or upon the matter of necessity or any other matter or condition referred to in subdivisions 13 or 14 of Section 15 of this act, shall be made by resolution or ordinance, and shall be prima facie evidence of the fact or matter so found, and such fact or matter shall be presumed to continue unchanged unless and until a contrary finding shall have been made by the board by resolution or ordinance. Such finding shall be received in evidence in any civil or criminal proceeding in which it may be offered, and shall be proof and evidence of the fact or matter found until rebutted or overcome by other sufficient evidence received in such proceeding. Copy of any resolution or ordinance setting forth such finding shall, when certified by the secretary of the agency, be evidence that the finding was made by the agency as shown by the resolution or ordinance and certification.

SEC. 18. From and after the publication or posting of any ordinance as provided in subdivision 14 of Section 15 of this act, it is hereby declared to be and it shall be a misdemeanor for any person, firm or corporation to use or apply water received from the agency contrary to or in violation of such restriction or prohibition, until such ordinance shall have been repealed or such emergency or threatened emergency shall have ceased, and upon conviction thereof such person, firm or

corporation shall be punished by being imprisoned in the county jail for not more than 30 days or by fine of not more than three hundred dollars ($300), or by both such fine and imprisonment.

SEC. 19.5. An action to determine the validity of any contract authorized by paragraph 19 of Section 15 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 20. Except as herein provided, no director of the Bighorn Mountains Water Agency shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board of directors, and no officer or employee of any agency shall in any manner be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom. For any violation of this section, such director or other officer or employee of the agency shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. Neither this section nor any other law shall, however, be deemed to invalidate any contract or instrument, nor to establish or define any misdemeanor or other crime, merely because such director or other officer or employee shall have any interest in such contract or instrument, or shall derive any benefit therefrom.

(a) If such director or other officer or employee shall own or control, directly or indirectly, not more than 5 per centum of the outstanding stock or securities of the contracting corporation; or

(b) If such contract or instrument shall be entered into pursuant to the provisions of any ordinance or regulation of the agency of uniform application, and which ordinance or regulation shall have become effective prior to the making or execution of such contract or instrument.

SEC. 21. The president, vice president and secretary in addition to the respective duties imposed on them by law shall perform such duties as may be imposed on them by the board of directors. The treasurer, or such other person or persons as may be authorized by the board of directors, shall draw checks or warrants to pay demands when such demands shall have been audited and approved in the manner prescribed by the board of directors.

If the president is absent or unable to act, the vice president shall exercise the powers of the president granted by this act.

The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of the agency with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, fix their compensation, subject to the approval of the board of directors.

The general manager shall perform such duties as may be imposed on him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may direct.

The chief engineer shall be the engineering adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.

The attorney shall be the legal adviser of the agency and shall perform such other duties as may be prescribed by the board of directors.

The board of directors shall designate a depository or depositories to have the custody of the funds of the agency, all of which depositories shall give security sufficient to secure the agency against possible loss, and who shall pay the warrants drawn by the treasurer for demands against the agency under such rules as the directors may prescribe.

The general manager, secretary and treasurer, and all other employees or assistants of said agency who may be required so to do by the board of directors, shall give such bonds to the agency conditioned for the faithful performance of their duties as the board of directors from time to time may provide. The premiums on such bonds shall be paid by the agency.

SEC. 22. The board of directors shall have power to construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch or flume, or across any railway which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near as may be, or in a manner not to have impaired unnecessarily their usefulness. Every company whose right-of-way shall be intersected or crossed by said works shall unite with said board of directors in forming said intersections and crossings and grant the rights therefor. The right-of-way is hereby given, dedicated and set apart to locate, construct and maintain such works along and across any street or public highway and over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to cities within the state. Any use, under this section, of a public highway now or hereafter constituted a state highway shall be subject to the provisions of Chapter 3 of Division 1 of the Streets and Highway Code.

SEC. 23. All claims for money or damages against this agency are governed by Chapter 2 (commencing with Section 700) of Division 3.5 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 25. The board of directors, so far as practicable, shall fix such rate or rates for water in the agency and in each improvement district therein as will result in revenues which

will pay the operating expenses of the agency, and the improvement district, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. Said rates for water in each improvement district may vary from the rates of the agency and from other improvement districts therein.

SEC. 26. If the revenues of the agency, or any improvement district therein, will be inadequate for any cause to pay the operating expenses of the agency, provide for repairs and depreciation of works owned or operated by it, and to meet all obligations of the agency, including principal of or interest on any bonded debt of the agency, or any improvement district thereof, as it becomes due, then the board of directors of this agency must provide for the levy and collection of a tax sufficient to raise the amount of money determined by such board of directors to be necessary for the purpose of paying such charges and expenses, as well as providing the funds required under Section 25 of this act.

SEC. 27. The board of directors shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the agency, and within a reasonable time previous to the time when the board of supervisors is required by law to fix its tax rate, the board of directors shall certify to the board of supervisors the rate or rates so fixed and shall furnish to the board of supervisors a statement in writing containing the following: (a) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the agency or of an improvement district thereof as will become due before the proceeds of a tax levied at the next general tax levy will be available; (b) an estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the agency. The board of directors shall direct that at the time and in the manner required by law for the levying of taxes for county purposes, such board of supervisors shall levy, in addition to such other tax as may be levied by such board of supervisors, at the rate or rates so fixed and determined by the board of directors, a tax upon the property within the agency, or improvement district thereof benefited by the bonded debt, as the case may be, and it is made the duty of the officer or body having authority to levy taxes within each county to levy the tax so required. Taxes for the payment of the interest on or principal of any bonded debts shall be levied on the property within the agency, or improvement district thereof, benefited by the bonded debt, as determined by the board of directors in the resolution declaring the necessity to incur the debt. Taxes for other pur-

poses of the agency shall be levied on all property in the district or portion thereof subject to the particular tax. And it shall be the duty of all county officers charged with the duty of collecting taxes to collect such tax in time, form, and manner as county taxes are collected, and when collected to pay the same to the agency. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all the property benefited thereby as stated in the resolution of the board of directors declaring the necessity to incur the debt. All taxes for other purposes of the agency shall be a lien on all the property in the agency subject to the respective tax. Agency taxes, whether for payment of a bonded indebtedness and the interest thereon or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 28. Whenever the board of directors deem it necessary for the agency to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act, the board shall, by resolution, so declare and call an election to be held in said agency for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of said agency. Said resolution shall state: (a) the purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance and sale of the bonds; (b) the amount of debt to be incurred; (c) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (d) the maximum rate of interest to be paid, which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said 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 said bonded indebtedness to be incurred; and (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. The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election, the last publication to be made not less than two weeks prior to the date of the proposed election, in at least one newspaper published in such agency, if there is a newspaper published in the agency, then such resolution shall be posted in three public places in such agency not less than two weeks prior to the date of the proposed election. No other notice of such election need be given. The re-

turns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said 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 printed and published in the agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, 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 owning property within the agency or within any proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said Bighorn Mountains Water Agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, 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 owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, 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 of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall there-

upon constitute and be known as "Improvement District No. __ of Bighorn Mountains Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Bighorn Mountains Water Agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) 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.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to

the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 30. Any portion of the Bighorn Mountains Water Agency whether contiguous or not to an improvement district thereof may be annexed to said improvement district in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by holders of title to sixty percent (60%) or more of the land in the portion proposed to be annexed, which land as so represented in said petition shall have an assessed valuation of not less than fifty percent (50%) of the land so proposed to be annexed. The petition shall contain the following: (a) 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, or in any other definite manner; (b) the terms and conditions upon which said proposed area may be annexed as theretofore determined by resolution adopted by the board of directors of the agency; and (c) a prayer that the board of directors declare such area to be annexed to the improvement district. Said petition shall be accompanied by a certified check payable to the order of the agency in sufficient sum to reimburse said agency for expenses of processing and publishing the petition and preparing and making the filings required by law.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the required number of property owners; and, if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their

compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of property owners, or is not so signed, he shall certify that the same is sufficient, or insufficient, as the case may be.

If by the certificate of the secretary of the agency the petition is found to be insufficient, said petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If by the certificate of the secretary such petition or petition as amended, is shown to be sufficient the secretary shall cause notice of hearing on the petition to be published and posted without delay.

The text of said petition shall be published pursuant to Section 6066 of the Government Code prior to the time at which the same is to be presented to the board of directors of the agency in at least one newspaper printed and published in the Bighorn Mountains Water Agency, if there is a newspaper printed and published in such agency; together with a notice stating the time and place of the meeting at which the same will be presented. When contained upon one or more instruments one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated. Said notice and petition 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.

The board of directors of the agency 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 said agency or improvement district shall be entitled to appear and be heard at such hearing. Such hearing may be continued from time to time by the board of directors of the agency. At the conclusion of the hearing, and if the board of directors finds and determines from the evidence presented at said hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which said area proposed to be annexed will also be benefited thereby and will not be injured thereby, then and in such case the board of directors of the agency may, by resolution, approve such annexation, describing the territory so annexed, which may be by reference to a map on file with the secretary of the agency shall govern for all details as to the extent of the annexed area, or in

any other definite manner, and the terms and conditions of annexation as theretofore determined by resolution of the board of directors.

From and after the date of the adoption of such resolution the area named therein shall be deemed added to and shall form a part of said improvement district and the taxable property therein shall be subject to taxation thereafter for the purposes of said improvement district, including the payment of the principal of and interest on bonds and other obligations of such improvement district at the time authorized and outstanding at the time of said annexation as if said annexed property had always been a part of said improvement district, and the board of directors of the Bighorn Mountains Water Agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

Any action or proceeding wherein the validity of any such annexation is contested, questioned or denied must be commenced within three months after the date of issuance by the Secretary of State of his certificate; otherwise said annexation shall be held to be valid and in every respect legal and incontestable.

SEC. 31. If from such returns it appears that more than two-thirds of the votes cast in such election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form 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 may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed 7 percent per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for 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.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars ($100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Bighorn Mountains Water Agency for Improvement District No. __" and each bond and all interest coupons thereof shall state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors 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 said 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 readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement

district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 32. Any bonds issued by the Bighorn Mountains Water Agency are hereby given the same force, value and use as bonds issued by any city and shall be exempt from all taxation within the State of California.

SEC. 33. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 29 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said 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 Bighorn Mountains Water Agency, if there is a newpaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, 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 of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Bighorn Mountains Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the Bighorn Mountains Water Agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and/or posting. If before said effective date a petition signed by not less than 10 percent of the voters of the improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election in the improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the Bighorn Mountains Water Agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such

improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the 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 resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 34. The board of directors may advance general funds of the agency to accomplish the purposes of an improvement district formed in accordance with Sections 29 or 33 and, if the improvement district is formed under Section 29, may repay the agency from the proceeds of the sale of bonds authorized for such purpose, or if the improvement district is formed under Section 33 may, in the formation of such improvement district, provide that the agency shall be repaid with interest at not to exceed 7 percent from the special taxes levied exclusively upon the taxable property in said improvement district.

SEC. 35. Interest on any bonds issued by the agency coming due before the proceeds of a tax levied at the next general tax levy after the sale of said bonds are available, and interest on any bonds issued by the agency coming due before the expiration of one year following completion of the acquisition and construction of the works and improvements for which the bonds were issued may be paid from the proceeds of the sale of such bonds.

SEC. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency.

SEC. 40. Ordinances may be passed by the voters of the Bighorn Mountains Water Agency organized under the provisions of this act in accordance with the methods provided by the Elections Code for direct legislation in cities.

SEC. 41. Ordinances may be disapproved and thereby vetoed by the voters of this agency by proceeding in accordance with the methods provided by the Elections Code for protesting against legislation in cities.

SEC. 42. It is the intention that the Bighorn Mountains Water Agency shall not be disincorporated until all bonded indebtedness shall have been fully paid.

SEC. 45. Nothing in this act shall be so construed as repealing or in anywise modifying the provisions of any other act relating to water or the supply of water to, or the acquisi

tion thereof, by cities within this state. The term "city," as used in this act, shall mean and include any city or incorporated town, whether organized or functioning under a freeholders' charter or under the provisions of general laws. The word "agency" shall apply, unless otherwise expressed or used, to the Bighorn Mountains Water Agency formed under the provisions of this act, and the word "board" and the words "board of directors" shall apply to the board of directors of such agency. The term "indebtedness" shall mean all indebtedness other than bonded indebtedness unless the latter is expressly used. The meaning of the term "voter," as used in this act, shall be ascertained by reference to Section 21 of the Elections Code.

SEC. 46. If there shall be a registrar of voters, other than the county clerk, in the principal county in which the Bighorn Mountains Water Agency is hereby incorporated, or incorporated, under the provisions of this act, is situated, the duties required by this act to be performed by the county clerk respecting the nomination of candidates for offices of such water agency and the holding of elections in such agency, shall be performed by such registrar of voters.

SEC. 48. If any section, subsection, sentence, clause or phrase of this act or the application thereof to any person or circumstance is for any reason held invalid the validity of the remainder of the act or the application of such provision to other persons or circumstances shall not be affected thereby. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

SEC. 49. The inclusion in, or annexation or addition to this agency, of the corporate area of any public corporation or public agency shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose of this agency. No public corporation or public agency having identity of purpose or substantial identity of purpose shall be formed partly or entirely within this agency, whether by incorporation or annexation, without the consent of the board of directors of this agency.

SEC. 50. The agency, by ordinance, may fix, on or before the first day of July in any calendar year, a water standby or availability charge within the agency or in any improvement district thereof to which water is made available by the agency through underground or by surface facilities, whether the water is actually used or not. The standby charge shall not exceed ten dollars ($10) per acre per year for each acre of land within the agency or any improvement district thereof or ten dollars ($10) per year for any parcel of less than one acre. The ordinance fixing a standby charge shall be

adopted by the board only after adoption of a resolution setting forth the particular schedule or schedules of charges proposed to be established by ordinance and after notice and hearing in the manner prescribed in the District Reorganization Act of 1965 (commencing with Section 56000 of the Government Code). The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the agency upon which a charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes, the board of supervisors shall levy, in addition to any other tax it levies, a standby charge in the amounts for the respective parcels fixed by the board. All county officers charged with the duty of collecting taxes shall collect agency standby charges with the regular tax payments to the county. Such charges shall be collected in the same form and manner as county taxes are collected and shall be paid to the agency. Charges fixed by the agency shall be a lien on all the property benefited thereby. Liens for such charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

SEC. 51. The agency may issue negotiable promissory notes pursuant to this section, bearing interest at a rate not to exceed 7 percent per annum, for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar agency purposes and for the acquisition of land for agency purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time may be at least equal to fifty thousand dollars ($50,000), but shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the agency or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate. Promissory notes issued pursuant to subdivision 11 of Section 15 may be disregarded in computing the aggregate amount of notes that may be issued pursuant to this section.

SEC. 52. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this law and to provide for such bonded indebted-

ness to be payable from taxes levied upon an uninhabited portion of the agency, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the agency and to incur such indebtedness.

For the purposes of this law the portion of the agency formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside therein at the time of the formation thereof.

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 indebtedness by the issuance of bonds of the agency for such uninhabited improvement district.

The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district.

The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaires 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.

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 uninhabited improvement district, the proposed improvement, and the amount of 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 property 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.

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 of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district 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 proposed uninhabited improvement district, whose name and address and a designation of the land in which he is interested is on file with the secretary.

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 may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protests are not made the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of the proposed debt.

(c) 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.

(d) That such portion of the agency set forth on the map shall thereupon constitute and be known as "Improvement District No. _____ of _____ Bighorn Mountains Water Agency".

The determinations made in the resolution of formation shall be final and conclusive.

After the formation of the uninhabited improvement district pursuant to this law the board may, by resolution, at such time or times as it deems proper, issue bonds of the agency, pursuant to Section 31 of this law, for the whole or any part of the amount of the indebtedness authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

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 of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

The board may advance general funds of the agency to accomplish the purposes of an improvement district formed pursuant to this law.

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.

SEC. 53. The board, by resolution, may initiate proceedings for the annexation of territory within the agency whether contiguous or not to an improvement district to such improvement district.

The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this law.

(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.

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 printed and published in the agency, if there is a newspaper published and printed in the agency.

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.

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.

If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

If written protest is not made by the owners of one-half of the value 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 improvement 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.

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.

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.

The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this section is contested, questioned, or denied shall be commenced within three months after the 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.

SEC. 53.1. Notwithstanding the provisions of Section 53, if the petition for annexation of land to an improvement district formed under Section 33 is signed by all of the holders of title of land in the portion proposed to be annexed, the board may proceed and act thereon without notice and hearing, but shall otherwise comply with the applicable provisions of this law.

SEC. 53.2. Proceedings to exclude territory from an improvement district, formed pursuant to Section 33, may be initiated by the board upon its own motion, or shall be initiated by the board upon receipt of a petition for exclusion signed by

not less than 10 percent of the voters of the area proposed to be excluded, which states reasons such exclusion will be beneficial to the agency or the improvement district or the territory to be excluded.

Upon adoption of said motion to initiate exclusion proceedings or upon receipt of said petition for exclusion, the board shall adopt a resolution of intention to exclude which shall state:

(a) The method by which said exclusion proceedings were initiated; by motion of the board or by petition of voters.

(b) That taxes for carrying out the purpose of the improvement district will not be levied upon taxable property in the excluded territory following such exclusion in the event such territory is excluded.

(c) That following such exclusion, the taxable property in the territory remaining in said improvement district shall continue to be levied upon and taxed to provide funds for the purposes of said improvement district.

The resolution of intention to exclude shall also state that a map showing the exterior boundaries of the proposed territory to be excluded, with relation to the territory remaining in said improvement district, 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 exclusion.

The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the proposed exclusion and the effect of such exclusion upon the agency, the improvement district and the territory to be excluded.

(b) 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.

Notice of the hearing shall be given by publishing a copy of the resolution of intention to exclude, 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 printed and published in the agency. Such notice shall also be given by posting a copy of the resolution of intention to exclude in three public places within the affected improvement district for at least two weeks before the time fixed for the hearing.

At the time and place so fixed in the resolution of intention to exclude, 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 owning property in the agency, or in the improvement district may appear and present any matters material to the questions set forth in the resolution of intention to exclude.

At the conclusion of the hearing, the board shall by resolution determine whether it is necessary or desirable to exclude said territory. If so, the resolution shall also state:

(a) The reasons why such exclusion is necessary or desirable.

(b) That the exterior boundaries of the improvement district following such exclusion are set forth on a map on file with the secretary, which map shall govern all details as to the extent of said, then existing, improvement district.

The determinations made in the resolution of exclusion shall be final and conclusive.

After the exclusion of territory from the improvement district pursuant to this section, all taxes levied for the carrying out of said improvement district's purpose shall be levied exclusively upon the taxable property in the improvement district as then constituted.

A copy of the resolution of exclusion shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency. A copy of the resolution shall also be posted in three public places within the improvement district for at least two weeks.

The resolution of exclusion shall not be effective until the 31st day after completion of the publication and posting.

Any action or proceeding in which the validity of the exclusion of territory from the 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 resolution of exclusion; otherwise, the exclusion and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

SEC. 54. Notwithstanding any other provision herein, whenever the board deems it necessary for any improvement district formed pursuant to this act to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

As used in this act, "improvement district" includes an uninhabited improvement district formed pursuant to Section 52.

The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) If the improvement district was formed pursuant to Section 29 or Section 52 of this act, that no bonds have been issued for the improvement district or are outstanding.

(c) If the improvement district was formed pursuant to Section 33 of this act, that no indebtedness or liability was incurred for the improvement district or is outstanding.

(d) 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.

(e) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(f) 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.

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.

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.

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.

When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the agency contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

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.

After a bond election has been held in an improvement district formed pursuant to Section 29 of this law 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 Sections 28 and 29 of this law for the purpose of resubmitting said measure to the electors of said improvement district. If said 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.

SEC. 55. 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 area embraced within the boundaries of the proposed Bighorn Mountains Water Agency has no integrated water system. The homes located there now depend entirely on individual wells and some are even supplied water by trucks. Unless the territory is organized into an agency capable of finding solutions to its water problems at once, the value of the property within its boundaries will be jeopardized and applications for loans and grants from the federal government to construct a water distribution system may not materialize. It is imperative that at the earliest possible time the area have a representative agency to speak and act for it in the planning, financing and construction of an adequate water system.

CHAPTER 1176

An act to add Section 7019 to the Business and Professions Code, relating to contractors.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 7019 is added to the Business and Professions Code, to read:

7019. On or before December 31, 1969, the board shall prescribe a form entitled "Notice to Owner" which shall describe provisions of the state's mechanics' lien laws relating to the filing of a contract concerning a work of improvement with the county recorder and the recording in such office of a contractor's payment bond for private work. Each contractor licensed under this chapter, prior to entering into a contract after December 31, 1969, in excess of six hundred dollars ($600) with the owner of a single-family dwelling, a duplex, or a triplex for work to be performed for the improvement of property, shall give a copy of this "Notice to Owner" to the owner. A contractor shall not, however, be required to provide a copy of such form to the owner of property who is acting in a capacity of a licensed general building contractor for such improvement.

CHAPTER 1177

An act to amend Sections 56003.1, 56028, and 56039 of the Government Code, relating to city annexation.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 56003.1 of the Government Code is amended to read:

56003.1. Except as provided in this section, this division shall have no application to the incorporation of cities, the annexation or detachment of territory to or from cities, minor changes of city boundaries or the consolidation or disincorporation of cities or to the formation of districts (except when any such formation is a part of a reorganization) or to proceedings for any of the foregoing. An annexation to a city which is proposed as a part of a plan of reorganization may be conducted in accordance with the procedures for reorganization set forth in this division unless the affected city objects thereto. In any commission order giving approval to any of the matters provided for in subdivision (a) of Section 56250, the commission may make any such approval conditional upon:

(a) The initiation, conduct or completion of proceedings for the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or for the formation of any district; and

(b) The approval or disapproval, with or without election, as may be provided by law, of any resolution or ordinance ordering any such incorporation, annexation, detachment, consolidation, disincorporation or formation of a district.

If a commission shall so condition its approval, the commission may order that any further action pursuant to this division 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 the question of confirming a change of organization or a reorganization pursuant to the provisions of this division 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 the incorporation of any city, the annexation or detachment of territory to or from any city, the consolidation of any cities or the disincorporation of any city or upon the formation of any district.

SEC. 2. Section 56028 of the Government Code is amended to read:

56028. "Change of organization" means an annexation or detachment of territory to or from a district, a minor boundary

change, the dissolution or consolidation of any district or districts, a merger or the establishment of a subsidiary district, and, in the case of a reorganization, also includes formations and annexations to cities when the affected cities do not object to such annexations.

SEC. 3. 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 relating to a merger, the establishment of a subsidiary district, or a reorganization which includes an annexation to a city when the affected city does not object to such annexation;

(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.

CHAPTER 1178

An act to add Sections 15955.1 and 16803.2 to the Education Code, relating to school property and equipment, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 15955.1 is added to the Education Code, to read:

15955.1. Contracts for the rental, lease, or lease-purchase of motor vehicles, other than schoolbuses, equipment or systems to be furnished, built or installed for the district may be made for a period not to exceed five years, such contracts to be renewable at the option of the district for an additional period not to exceed five years; provided, that rate of the renewal contract is not greater than the rate set in the existing contract. For the sole purpose of identifying that portion of each annual rental or lease payment which may represent tax exempt reimbursement to the vendor, lessor or their assignees, bidders may include in their bids abstractions of their quotations indicating the pricing structure used to compute the annual rental or lease payments.

SEC. 2. Section 16803.2 is added to the Education Code, to read:

16803.2. In bidding on contracts to be made pursuant to Section 16803, bidders may include in their bids abstractions of their quotations indicating the pricing structure used to compute the annual lease or rental payments for the sole purpose of identifying that portion of each annual lease or rental payment which may represent tax exemption reimbursement to the vendor, lessor or to their assignees.

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:

Unless this act takes effect immediately, school districts will be unable to obtain the lower lease and rental rates available to them if that portion of such rates which reflects tax exempt reimbursement is clearly delineated in bid and contract documents relating to the rental, lease, or lease-purchase of motor vehicles, equipment and systems. In the absence of this provision, the higher costs of these types of contracts will have to be borne by the taxpayers of the state and of the local school districts.

CHAPTER 1179

An act to amend Section 387 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 387 of the Streets and Highways Code is amended to read:

387. Route 87 is from:

(a) Route 85 in the vicinity of Pearl Avenue to Route 101 in the vicinity of Guadalupe River. Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of subdivision (a) of Route 87 may be commenced at any time, if the City of San Jose and the County of Santa Clara has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said subdivision (a) of this route or such portion thereof.

(b) San Jose easterly of the Bayshore Freeway to Route 230.

(c) Route 230 to Route 280 in San Francisco.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of subdivision (c) of Route 87 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said subdivision (c) of this route or such portion thereof.

CHAPTER 1180

An act to amend Section 8054 of the Education Code, relating to course of study.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 8054 of the Education Code is amended to read:

8054. The course of study for preschool, kindergarten, grades 1 through 6, and grades 7 and 8 of those elementary districts maintaining grades 7 and 8, shall be prescribed and enforced by the governing board. The governing board of any school district may cooperate with the county board of education and the county superintendent of schools in the development of the courses of study required by this section.

The development of any course of study by a school district governing board which involves the cooperation of the county board of education and the county superintendent of schools is a proper charge against whatever funds the county superintendent of schools may have for this purpose.

CHAPTER 1181

An act to amend Sections 30801, 30803, and 30805 of, and to add Section 30806 to, the Agricultural Code, relating to dog licenses.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 30801 of the Agricultural Code is amended to read:

30801. If 25 electors whose names appear upon the last preceding assessment roll of the county as owners of domestic livestock file a petition with the board of supervisors of the county which requests the board to do so, the board of supervisors shall provide for the annual issuance of serially numbered metallic dog license tags. The dog license tags shall be:

(a) Stamped with the name of the county and the year of issue.

(b) Unless the board of supervisors designates the animal control department to issue the tags, issued by the county clerk directly or through judges of justice or municipal courts, to owners of dogs, that make application.

SEC. 2. Section 30803 of the Agricultural Code is amended to read:

30803. The county clerk or animal control department shall endorse upon the application for a dog license tag the number of the license tag issued.

All applications which have been endorsed shall be kept on file in the office of the county clerk or animal control department open to public inspection.

SEC. 3. Section 30805 of the Agricultural Code is amended to read:

30805. The board of supervisors shall fix the compensation of the county clerk or animal control department for issuing dog license tags.

SEC. 4. Section 30806 is added to the Agricultural Code, to read:

30806. In any county that does not have an animal control department, the county clerk shall perform the functions assigned to the county animal control department in this chapter.

CHAPTER 1182

An act to amend Section 50023 of the Government Code, relating to powers of local agencies.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 50023 of the Government Code is amended to read:

50023. The legislative body of a local agency, directly or through a representative, may attend the Legislature and Congress, and any committees thereof, and present information to aid the passage of legislation which the legislative body deems beneficial to the local agency or to prevent the passage of legislation which the legislative body deems detrimental to the local agency. The legislative body of a local agency, directly or through a representative, may meet with representatives of executive or administrative agencies of state, federal, or local government to present information requesting action which the legislative body deems beneficial to, or opposing action deemed detrimental to, such local agency. The cost and expense incident thereto are proper charges against the local agency.

CHAPTER 1183

An act to amend the heading of Article 7 (commencing with Section 7565) of Chapter 11 of Division 3 of, and to repeal Article 3.5 (commencing with Section 7544) of Chapter 11 of Division 3 of, the Business and Professions Code, relating to private detectives.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Article 3.5 (commencing with Section 7544) of Chapter 11 of Division 3 of the Business and Professions Code is repealed.

SEC. 2. The heading of Article 7 (commencing with Section 7565) of Chapter 11 of Division 3 of the Business and Professions Code is amended to read:

Article 7. Expiration and Renewal of Licenses and Cards

CHAPTER 1184

An act to amend Section 69903 of the Government Code, relating to superior court attachés.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 69903 of the Government Code is amended to read:

69903. In any county with a population of less than 1,000,000 but more than 800,000 as determined by the 1960 federal census, the superior court shall appoint an administrative officer, who shall hold office at the pleasure of the court, and shall act as secretary to the judges of the superior court and perform the duties of jury commissioner and shall exercise such other administrative duties as may be required of him by the court. The court shall fix the qualifications of the administrative 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 the court. The salary of the administrative officer shall be fixed by the court at not more than one thousand nine hundred twenty-nine dollars ($1,929) per month.

In such a county the court and secretary may have to assist them in the performance of their duties the following employees:

(a) Two legal research assistants, who shall be members of the bar, who shall receive a salary of not less than four hundred dollars ($400) nor more than one thousand two hundred dollars ($1,200) a month,

(b) One senior administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than nine hundred ninety-eight dollars ($998) a month,

(c) One administrative assistant-deputy jury commissioner, who shall receive a salary of not less than three hundred dollars ($300) nor more than eight hundred forty-one dollars ($841) a month,

(d) Two senior clerk-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred seventy-six dollars ($676) a month,

(e) Five secretary-deputy jury commissioners, who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred thirteen dollars ($613) a month,

(f) Three clerks, who shall receive a salary of not less than three hundred dollars ($300) nor more than five hundred fifty-six dollars ($556) a month,

(g) One jury payroll and assembly room supervisor-deputy jury commissioner who shall receive a salary of not less than three hundred dollars ($300) nor more than six hundred seventy-six dollars ($676) a month.

Such employees shall be appointed by the secretary with the approval of a majority of the judges of the superior court of such county. Each such position shall be exempt from civil service laws. The salaries of such persons shall be fixed by a majority of the judges of the superior court of such county. The salaries of such secretary and other employees of the superior court shall be paid by the county in which they serve.

CHAPTER 1185

An act to amend Section 2633 of the Business and Professions Code, relating to physical therapy.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 2633 of the Business and Professions Code is amended to read:

2633. A person holding a license as a physical therapist issued by the board may use the title "physical therapist" or the letters "P.T." or any other words, letters or figures which indicate that the person using same is a licensed physical therapist. No other person shall be so designated or shall use the term licensed or registered physical therapist, licensed or registered physiotherapist, licensed or registered physical therapy technician, or the letters "L.P.T.," "R.P.T.," or "P.T." The license as a physical therapist shall not authorize the use of the prefix "Dr.," the word "doctor," or any suffix or affix indicating or implying that the licensed person is a doctor or a physician or surgeon.

Notwithstanding the provisions of this section, a licentiate of this chapter may use an initial or other suffix indicating possession of a specific academic degree earned at, and issued by, an institution accredited by the Western Association of Schools and Colleges or any accrediting agency recognized by the National Commission on Accrediting which the board determines is equivalent, except that the initials "M.D." shall not be used unless such licentiate is licensed as a physician and surgeon in this state.

CHAPTER 1186

An act to amend Section 118 of the Streets and Highways Code, relating to the sale of state property.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 118 of the Streets and Highways Code is amended to read:

118. Whenever the department determines that any real property or interest therein, heretofore or hereafter acquired by the state for highway purposes, is no longer necessary for such purposes, the department may sell, contract to sell, sell by trust deed, or exchange such real property or interest therein in the manner and upon terms, standards, and conditions established by the commission. The payment period in any such contract of sale or sale by trust deed shall not extend longer than 10 years from the time such contract of sale or trust deed is executed, and any such transaction involving a contract of sale or sale by trust deed to private parties shall require a down payment of at least 50 percent of the purchase price. Any such conveyance shall be approved by the commission and shall be executed on behalf of the state by the director and the purchase price shall be paid into the State Treasury to the credit of any fund, available to the department for highway purposes, which the commission designates.

Any such real property or interest therein may in like manner be exchanged, either as whole or part consideration, for any other real property or interest therein needed for state highway purposes.

CHAPTER 1187

An act to amend Section 68097.2 of the Government Code, relating to witnesses in civil cases.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 68097.2 of the Government Code is amended to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is

located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of twenty-five dollars ($25) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of twenty-five dollars ($25) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section.

If the actual expenses should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded.

If a court continues a proceeding on its own motion, no additional deposit may be required prior to the issuance of a subpoena or the making of an order directing such officer to appear on the date to which the proceeding is continued.

SEC. 2. Section 68097.2 of the Government Code is amended to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of forty-five dollars ($45) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of forty-five dollars ($45) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section.

If the actual expenses should later prove to be less than the amount deposited, the excess of the amount deposited shall be refunded.

If a court continues a proceeding on its own motion, no additional deposit may be required prior to the issuance of a subpoena or the making of an order directing such officer to appear on the date to which the proceeding is continued.

SEC. 3 Section 2 of this act shall become operative only if Senate Bill No. 466 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Senate Bill No. 466 takes effect; at which time Section 1 of this act is repealed.

CHAPTER 1188

An act to amend Section 12050 of the Penal Code, relating to firearms.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 12050 of the Penal Code is amended to read:

12050. The sheriff of a county or the chief or other head of a municipal police department of any city or city and county, upon proof that the person applying is of good moral character, that good cause exists for the issuance, and that the person applying is a resident of the county, may issue to such person a license to carry concealed a pistol, revolver, or other firearm for a period of one year from the date of the license.

CHAPTER 1189

An act to amend Section 2982 of the Civil Code, relating to automobile conditional sales contracts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 2982 of the Civil Code is amended to read:

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and, if printed, shall be printed in type no smaller than six point, and shall contain in a single document all of the agreements of the buyer and seller with respect to the total cost and the terms of payment for the motor vehicle, including any promissory notes or any other evidences of indebtedness. The conditional sale contract or a purchase order shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and an exact copy thereof shall be furnished the buyer by the seller at the time the buyer and the seller have signed the contract or purchase order. No motor vehicle shall be delivered under this chapter until the seller delivers to the buyer a fully executed copy of the conditional sale contract or purchase order and any vehicle purchase proposal and any credit statement which the seller has required or requested the buyer to sign, and which he has signed, during the contract negotiations. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed. Every condi-

tional sale contract shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

1. The cash price of the motor vehicle described in the conditional sale contract.

2. The amount of the buyer's down payment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.

3. The amount unpaid on the cash price, which is the difference between Items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance. Any such cost for credit life or disability insurance may be included in the finance charge if the amount thereof is separately stated on the face of the contract.

5. The amount of the unpaid balance, which is the sum of Items 3 and 4.

6. The amount of the finance charge.

7. The contract balance owed by the buyer to the seller, which is the sum of Items 5 and 6.

8. The number of installments required to pay the contract balance, the amount of each installment, and the date for payment of the installments.

9. The names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983.5 and 2984 of this code is to be sent.

10. A notice, in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the finance charge. (4) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement."

(b) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof be made more than one year after the date of the conditional sale contract, any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories, shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis

of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment, or twenty-five dollars ($25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in the aggregate 5 percent of the installment, which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund may be made in cash or credited to the amount due on the obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge, after first deducting therefrom twenty-five dollars ($25), as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar ($1), no refund need be made.

CHAPTER 1190

An act to amend Section 70 of the Streets and Highways Code, relating to the California Highway Commission.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 70 of the Streets and Highways Code is amended to read:

70. There is in the department the California Highway Commission, consisting of seven members. The chairman of the commission shall be selected by a majority vote of the members thereof and shall serve for one year. Said term shall commence on a date to be determined by rule of the commission, provided that no member shall serve as chairman for more

than two successive terms. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the commission. Except as provided in Section 70.1, the members shall hold office for terms of four years and until their successors are appointed and qualify. The members shall receive their actual and necessary traveling expenses incurred in the discharge of their duties. Each member of the commission shall take the oath of office prescribed for other state officers. The Director of Public Works shall not be a member of the commission but shall serve as administrative officer thereof and may act for the chairman of the commission in administrative matters. He shall prepare or cause to be prepared the agenda for all meetings of the commission and may, as necessary, call meetings of the commission. The divisions shall transmit their recommendations affecting the activities of the commission directly to the director. He shall have final authority and responsibility to make such recommendations, but he shall transmit the recommendations of the divisions to the commission along with his own. The director shall comment on all recommendations made to the commission by the divisions when he deems the recommendation to be of major importance, or when he deems it desirable, or when requested so to do by the commission or any member thereof.

CHAPTER 1191

An act to add Article 3 (commencing with Section 24320) to Chapter 6 of Part 11 of Division 2 of the Revenue and Taxation Code, relating to the bank and corporation tax.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Article 3 (commencing with Section 24320) is added to Chapter 6 of Part 11 of Division 2 of the Revenue and Taxation Code, to read:

Article 3. Other Exclusions

24320. Income derived from the operation of aircraft or a ship or ships by a corporation organized under the laws of a foreign country shall not be included in gross income, and shall be exempt from the taxes imposed by this part if:

(a) The aircraft are registered or the ships are documented under the laws of the foreign country;

(b) The income of the corporation is exempt from national income taxes by reason of a treaty or agreement between such foreign country and the United States which provides for an equivalent exemption to corporations organized in the United States; and

(c) Units of government (other than at the national level) within such foreign country do not impose a tax upon corporations organized in the United States with respect to income derived from the operation of aircraft registered or ships documented under the laws of the United States.

24321. Notwithstanding any statute, ordinance, regulation, rule or decision to the contrary, no city, county, city and county, governmental subdivision, district, public and quasi-public corporation, municipal corporation, whether incorporated or not or whether chartered or not, shall levy or collect or cause to be levied or collected any tax upon income which is excludable from gross income and exempt from state taxes pursuant to Section 24320.

This section shall not be construed to authorize any such entity to levy a tax on, according to, or measured by, income or profits paid or accrued.

CHAPTER 1192

An act to amend Section 1802.6 of the Civil Code, relating to retail installment contracts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1802.6 of the Civil Code is amended to read:

1802.6. "Retail installment contract" or "contract" means any contract for a retail installment sale between a buyer and seller, entered into or performed in this state, which provides for (a) repayment in installments, whether or not such contract contains a title retention provision, and in which a time price differential is computed upon and added to the unpaid balance at the time of sale or where no time price differential is added but the goods or services are available at a lesser price if paid by cash or where the buyer, if he had paid cash, would have received any additional goods or services or any higher quality goods or services at no added cost over the total amount he pays in installments, or (b) which provides for payment in four or more installments. When taken or given in connection with a retail installment sale, the term includes but is not limited to a security agreement and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the goods upon full compliance with the terms of the contract.

CHAPTER 1193

An act to add Article 9 (commencing with Section 1850) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to juvenile rehabilitation, and making an appropriation.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Article 9 (commencing with Section 1850) is added to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, to read:

Article 9. Youth Correctional Centers

1850. The purpose of this article is to protect society more effectively by providing a system of flexible constraints and controls that utilize short-term confinement for selected youthful offenders, followed by intensive probation supervision. To this end it is the intent of the Legislature that this article be liberally interpreted in conformity with its declared purpose.

1851. In order to provide appropriate facilities for the rehabilitative treatment of young offenders who otherwise may be committed to the Department of the Youth Authority or the Department of Corrections, and in order to provide this treatment in the community where family and personal relationships can be strengthened rather than severed, and in order to provide a range of alternative dispositions to the courts before whom young offenders appear, and in order to provide opportunities for private citizens to contribute actively to the rehabilitation of offenders in their own neighborhood, youth correctional centers may be established by ordinance by boards of supervisors of any county, as provided in this article.

1852. Complete operation and authority for administration of the youth correctional center shall be vested in the county. The board of supervisors shall place responsibility for internal management with the chief probation officer.

1853. Juvenile court wards and criminal offenders eligible for probation may be committed to youth correctional centers as a condition of probation, provided they come within all of the following descriptions:

(1) Who have not, at the time of commitment, reached the age of 25 years.

(2) Who have not been found guilty of a capital offense in a criminal proceeding.

(3) Who have been declared a ward of the juvenile court pursuant to Section 602, Welfare and Institutions Code, or who have been found guilty in a criminal proceeding of one

or more public offenses where the maximum term of confinement is not less than six months if the sentences run consecutively.

(4) Whose rehabilitation and reformation requires short-term confinement followed by intensive probation supervision.

The juvenile court may in its discretion commit any eligible ward of the juvenile court to the youth correctional center program and any criminal court may in its discretion commit any eligible offender to the youth correctional center program as a condition of probation, except that no commitment shall be placed into effect until the chief probation officer has certified to the committing court that the youth correctional center has adequate facilities to provide rehabilitative treatment for the offender.

1854. While under commitment to the youth correctional center, the offender is subject to the control of the chief probation officer. The offender may be confined to the center at all times; he may be released for brief periods to work, attend school, or engage in educational or recreational pursuits; or he may be allowed to live in the community and return to the center for specific services as directed by the chief probation officer.

1855. Earnings of offenders who reside in the center and work in the community shall be collected by the chief probation officer. From such earnings the chief probation officer may pay the offender's board and personal expenses and such administrative costs as are allocable to him. Any balance may be paid periodically to the offender as deemed appropriate by the chief probation officer. Upon the offender's release from juvenile court wardship or termination of his probation, all funds credited to his account shall be paid to him.

1856. When in the opinion of the chief probation officer an offender appears to be unamenable to the program of the youth correctional center, he shall be returned to the committing court for further disposition. The court shall then make an alternative disposition.

1857. The Youth Authority shall adopt and prescribe the minimum standards of construction, operation, programs of education or rehabilitative training or treatment, and qualifications of personnel for youth correctional centers established pursuant to this article. No county establishing or conducting such a youth correctional center shall be entitled to receive any state funds provided for in this article unless and until the minimum standards and qualifications referred to in this section are complied with by such county.

1858. No youth correctional center established pursuant to this article shall be planned to accommodate more than 350 youths under supervision at any one time. Any youth correctional center that consistently exceeds this capacity shall be ineligible to receive subsidy funds.

1859. Where any such youth correctional center is established, and where the minimum standards and qualifications provided for in Section 1857 have been complied with by the county, the State of California through the Youth Authority, out of any money appropriated for this purpose, shall reimburse the county at the rate of two hundred dollars ($200) per month per person being supervised by the youth correctional center during the first six months of such person's first-time participation in the center program. This amount shall be adjusted annually, upward or downward, by the Director of Finance in accordance with the proportionate increase or decrease in per capita costs for supervising Youth Authority wards in institutions and on parole.

Whenever a claim made by a county pursuant to this section covering a prior fiscal year is found to have been in error, adjustment may be made on a current claim without necessity of applying the adjustment to the appropriation for the prior fiscal year.

1860. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of youth correctional centers established by counties which apply therefor.

(b) "Construction" as used in this section includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings, and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county, to serve as a youth correctional center, and initial equipment thereof. It does not include architects' fees or the cost of land acquisition.

(c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority and in no event shall it exceed three thousand dollars ($3,000) per offender the program is designed to accommodate.

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority, and the Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

1861. The Department of the Youth Authority shall report to the Legislature no later than the fifth legislative day of the 1974 Regular Session on the experiences and the results under the provisions of this article. Pending review by the Legislature of such report, the state shall not participate financially in the establishment of more than four youth correctional centers.

SEC. 2. In order to further reduce commitments to Youth Authority institutions by means of coordinated delinquency prevention efforts at the community level, there is hereby appropriated from the General Fund to the Department of the

Youth Authority the sum of one hundred thousand dollars ($100,000) to defray expenses, including the salaries of coordinators, incurred to carry out the program in Section 1902 of the Welfare and Institutions Code.

CHAPTER 1194

An act to amend Sections 1305 and 1306 of the Penal Code, relating to bail.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. (a) If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court shall direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, shall thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted the bond shall not constitute compliance with this section; the clerk shall at the same time send a copy of such notice to the bail agent or solicitor who posted the bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 180 days after such entry in the minutes or mailing as the case may be, it be made to appear to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or

insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 180 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If at any time within said 180 days after such entry in the minutes or mailing as the case may be, the surety insurer, its bail agent, the surety, or depositor of money instead of a bond should surrender the defendant to the court or to custody, then, upon seven days' written notice to the district attorney or representative of the people by the bail agent of the surety insurer, such surety, or such depositor, any of whom may give such notice and appear either in person or by attorney, or by the surety insurer, through its attorney, the court shall direct such fact to be entered upon its minutes and the forfeiture of the undertaking or the deposit shall be discharged upon such terms as may be just.

(b) If, without sufficient excuse, the defendant neglects to appear for arraignment, trial, judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, but the court has reason to believe that sufficient excuse may exist for his neglect to appear or surrender himself, the court may continue the case for such period as it deems reasonable to enable the defendant to appear without ordering a forfeiture of bail or issuing a bench warrant.

SEC. 2. Section 1305 of the Penal Code is amended to read:

1305. (a) If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court shall direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, shall thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted the bond shall not constitute compliance with this section; the clerk shall at the same time send a copy of such notice to the bail agent or solicitor who posted the bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days

after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is dead or is otherwise permanently unable to appear in court due to illness, insanity, or detention by civil or military authorities, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is temporarily disabled by reason of illness, insanity, or detention by civil or military authorities and is therefore unable to appear in court at any time during the remainder of such 180 days, and that the absence of the defendant has not been with the connivance of the bail, then the period of time during which the disability continues shall not be deemed part of such 180 days. Upon a finding by the court that a reasonable period of time is necessary in order to return the defendant to court upon the termination of the disability, then such period of time, as fixed by the court, shall not be deemed part of such 180 days. If at any time within 180 days after such entry in the minutes or mailing as the case may be, the bail should surrender the defendant to the court or to custody, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

No order discharging the forfeiture of the undertaking or deposit shall be made without opportunity for hearing and the filing of a notice of motion for such order setting forth the basis for relief, with proof of service upon the district attorney or other representative of the people at least 10 days prior to the time set for hearing of the motion and otherwise in compliance with the provisions of Section 1010 of the Code of Civil Procedure. Such notice may be given by the surety insurer, its bail agent, the surety, or depositor of money, any of whom may give such notice and appear either in person or by attorney. Such notice of motion must be filed within 180 days after such entry in the minutes or mailing as the case may be, and must be heard and determined within 30 days after the expiration of such 180 days, unless the court for good cause shown, shall extend the time for hearing and determination.

(b) If, without sufficient excuse, the defendant neglects to appear for arraignment, trial, judgment, or upon any other

occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, but the court has reason to believe that sufficient excuse may exist for his neglect to appear or surrender himself, the court may continue the case for such period as it deems reasonable to enable the defendant to appear without ordering a forfeiture of bail or issuing a bench warrant.

SEC. 3. Section 1306 of the Penal Code is amended to read:

1306. When any bond is forfeited, if the court which has declared the bond forfeited has civil jurisdiction to render judgment in an action arising upon a contract of similar nature and amount, after the period of time within which such forfeiture may be set aside pursuant to Section 1305 has elapsed, if the forfeiture has not been set aside, the court shall enter a summary judgment against each bondsman named in the bond in the amount for which the bondsman has bound himself. If the court declaring the forfeiture does not have jurisdiction to render judgment in an action arising upon a contract of similar nature and amount, after the period of time within which such forfeiture may be set aside pursuant to Section 1305 has elapsed, if the forfeiture has not been set aside, the court shall deliver to the district attorney or civil legal adviser of the board of supervisors of the county in which the court is located the bond, together with a certified copy of its order declaring the bond forfeited, and immediately thereafter the district attorney or civil legal adviser shall file the bond and the certified copy of forfeiture in a court having jurisdiction to render judgment in an action arising upon a contract of similar nature and amount. The court in which the bond and certified copy of forfeiture is filed shall forthwith enter a summary judgment against each bondsman named in the bond in the amount for which the bondsman has bound himself.

If, because of the failure of any court, district attorney, or civil legal adviser to promptly perform the duties enjoined upon them pursuant to this section, summary judgment is not entered within 90 days after the date upon which it may first be entered, the right to do so expires and the bail is exonerated.

A dismissal of the indictment or information after the default of the defendant shall not release or affect the obligation of the bail bond or undertaking.

Within five days after the summary judgment becomes final, the district attorney or civil legal adviser of the board of supervisors shall demand immediate payment of the judgment. If the judgment remains unpaid for a period of 10 days after demand has been made, he shall forthwith cause a writ of execution to issue and be levied upon the property of the judgment debtor, and shall take any other steps necessary to collect the judgment.

The right to enforce a summary judgment entered against a bondsman pursuant to this section shall expire two years after the entry of the judgment.

SEC. 4. It is the intent of the Legislature, if the amendments to Section 1305 of the Penal Code proposed by both this bill and Assembly Bill No. 939 of the 1969 Regular Session of the Legislature are enacted, that both amendments be given effect and incorporated in Section 1305 in the form set forth in Section 2 of this act. Therefore, in the event that Assembly Bill No. 939 is enacted and amends Section 1305, Section 2 of this act shall become operative at the same time that Section 1305 as amended by Assembly Bill No. 939 becomes operative, and, at that time, Section 1305 as amended by Section 1 of this act is repealed.

SEC. 5. Section 3 of this act shall become operative only if Assembly Bill No. 939 of the 1969 Regular Session of the Legislature is enacted and amends Section 1305 of the Penal Code, and, in such case, at the same time as Assembly Bill No. 939 becomes operative.

CHAPTER 1195

An act to amend Section 1203.03 of the Penal Code, relating to diagnostic reports.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case. Such diagnosis and recommendation shall be embodied in a written report and copies of the report shall be served only upon the defendant or his counsel, the probation officer, and the prosecuting attorney by the court receiving such report. After delivery of the copies of the report, the information contained therein shall not be disclosed to anyone else without the consent of the defendant. After disposition of the case, all

copies of the report, except the one delivered to the defendant or his counsel, shall be filed in a sealed file and shall be available thereafter only to the defendant or his counsel, the prosecuting attorney, the court, the probation officer, or the Department of Corrections.

(c) The Department of Corrections shall designate the place to which a person referred to it under the provisions of this section shall be transported. After the receipt of any such person, the department may return the person to the referring court if the director of the department, in his discretion, determines that the staff and facilities of the department are inadequate to provide such services.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) Time spent by a defendant in confinement in a diagnostic facility of the Department of Corrections pursuant to this section shall be credited on the term of imprisonment in state prison, if any, to which defendant is sentenced in the case.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

CHAPTER 1196

An act to amend Section 39090 of the Health and Safety Code, relating to air pollution.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 39090 of the Health and Safety Code is amended to read:

39090. As used in this chapter, "limited production vehicle" means a make of motor vehicle of a model year prior to 1971 which was manufactured or sold in California in quantities of less than 2,000 units for such model year.

CHAPTER 1197

An act to amend Section 1738 of the Welfare and Institutions Code, relating to commitments to Youth Authority.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1738 of the Welfare and Institutions Code is amended to read:

1738. When the court commits a person to the authority the court may order him conveyed to some place of detention approved or established by the authority or may direct that he be left at liberty until otherwise ordered by the authority under such conditions as in the court's opinion will insure his submission to any orders which the authority may issue. No such person shall be transported to any facility under the jurisdiction of the Youth Authority until the director has notified the sheriff of the county of the committing court of the place to which said person is to be transported and the time at which he can be received.

CHAPTER 1198

An act to add Chapter 7.2 (commencing with Section 6790) to Division 6 of the Education Code, relating to teachers of educationally handicapped minors, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Chapter 7.2 (commencing with Section 6790) is added to Division 6 of the Education Code, to read:

CHAPTER 7.2. GUARANTEED LOANS TO TEACHERS OF EDUCATIONALLY HANDICAPPED MINORS

6790. In order to assure having for the ensuing year certificated personnel qualified to teach educationally handicapped minors, as defined in Section 6750, enrolled in programs of special education maintained by a school district or a county superintendent of schools, the governing board of the school district or the county superintendent of schools may enter into an agreement with any employee holding a position requiring certification qualifications who teaches, or any certified person under contract to teach, educationally handicapped minors for the ensuing school year for the school district or the county superintendent of schools, whereby the school district or the county superintendent of schools may make a loan of financial assistance, in such amount not in excess of that specified in Section 6792, as they may in writing agree upon, for such employee or certificated person under contract to undertake during the summers between academic school years specialized preparation, including courses, workshops, or specialized offerings, to teach educationally handicapped minors, as approved by the Superintendent of Public Instruction.

6791. Not later than October 31 of each year, the Superintendent of Public Instruction shall allow, out of funds appropriated to the Department of Education for the purpose, to each school district or county superintendent of schools making loans pursuant to the provisions of this chapter an amount sufficient to reimburse each such district or county superintendent of schools for the total of such loans made during the summer immediately preceding pursuant to the provisions of Section 6792.

6792. The amount of reimbursement allowed a school district or county superintendent of schools pursuant to Section 6791 for each such loan for specialized preparation undertaken during any given summer by any given employee or certificated person under contract shall not exceed the product of the number of semester hours taken in any given summer multiplied by fifty dollars ($50). The total amount of reimbursement allowed for all such loans to any given employee or certificated person under contract undertaking such specialized preparation shall not exceed the product of 30 semester hours multiplied by fifty dollars ($50). No more than five years shall elapse between the first and final allowance in reimbursement of such loans for any given employee or certificated person under contract.

6793. Loans made pursuant to this chapter shall be repaid to the Department of Education pursuant to rules and regulations adopted by the Superintendent of Public Instruction.

There shall be allowed a 20-percent credit in the repayment of a loan for each year the recipient of the loan teaches educationally handicapped minors.

6794. The Superintendent of Public Instruction shall establish rules and regulations for the administration of the provisions of this chapter and shall employ personnel necessary for the efficient administration of this chapter and Chapter 8.5 (commencing with Section 6875) of this division.

SEC. 2. The sum of fifty thousand dollars ($50,000) or so much thereof as the Superintendent of Public Instruction certifies as being required, is appropriated from the General Fund to the Department of Education for expenditure pursuant to Chapter 7.2 (commencing with Section 6790) of Division 6 of the Education Code.

SEC. 3. The Superintendent of Public Instruction shall submit a report to the Legislature at its 1971 Regular Session describing the program established by Chapter 7.2 (commencing with Section 6790) of Division 6 of the Education Code for the preparation of teachers to teach educationally handicapped minors and shall include in his report his recommendation concerning the desirability of the program.

CHAPTER 1199

An act to amend Section 19452 of, and to add Article 2.5 (commencing with Section 19555) to Chapter 8, Part 2, Division 5, Title 2 of, the Government Code, relating to state civil service.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 19452 of the Government Code is amended to read:

19452. To such extent as practicable and within available resources for this purpose, the appointing power shall arrange for such counseling and training of employees as may be reasonably needed to prepare them for placement in other state civil service positions when their positions have been or are about to be changed substantially or eliminated by automation, technological changes, or other management-initiated changes and the board shall devise plans for and cooperate with appointing powers and other supervising officials in the administration of counseling, training, and placement programs for employees so affected.

SEC. 2. Article 2.5 (commencing with Section 19555) is added to Chapter 8, Part 2, Division 5, Title 2, of the Government Code, to read:

Article 2.5. Layoff Reemployment

19555. It is the policy of the state that when an employee is to be separated from state service because the tasks he was assigned are to be eliminated or substantially changed due to management-initiated changes, including but not limited to automation or other technological changes, steps should be taken on an interdepartmental basis to assist such employee in locating, preparing to qualify for, and being placed in other positions in the state civil service. This provision shall not be construed to restrict the authority of the executive branch or the Legislature to effect economies or to make organizational or other changes to increase efficiency in state government.

19556. The board may temporarily restrict the choice of methods of appointment available to an appointing power if such restriction is deemed necessary in the placement in other state civil service positions of employees whose positions have been or are about to be changed substantially or eliminated by such management-initiated changes.

CHAPTER 1200

An act to amend Sections 13307, 13308, 13601, 13641, 13953, 13954, 15110, 15111, 15552, 15553, and 16251 of, to repeal Sections 13602 and 14762 of, and to add Sections 13310 and 15113 of, the Revenue and Taxation Code, relating to inheritance and gift taxes.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13307 of the Revenue and Taxation Code is amended to read:

13307. "Class A transferee" means any of the following:

(a) A transferee who is the husband, wife, lineal ancestor, or lineal issue of the decedent.

(b) A transferee to whom the decedent for not less than 10 continuous years prior to the transfer stood in the mutually acknowledged relationship of a parent, if the relationship commenced on or before the transferee's 15th birthday.

(c) A transferee who is the lineal issue of a child mentioned in subdivision (b).

SEC. 2. Section 13308 of the Revenue and Taxation Code is amended to read:

13308. "Class B transferee" means any of the following:

(a) A transferee who is the brother, sister, or descendant of a brother or sister of the decedent.

(b) A transferee who is the wife or widow of a son, or the husband or widower of a daughter, of the decedent.

SEC. 3. Section 13310 is added to the Revenue and Taxation Code, to read:

13310. In determining the classification of a transferee of any class for the purposes of this part, children adopted in conformity with the laws of this state while under the age of 21 years are deemed to be natural children of their adoptive parents and to be unrelated to any natural parent who has been replaced by the adoption. Other adopted children are deemed to retain their relationship to their natural parents and to be unrelated to their adoptive parents; provided, however, that a person adopted by the decedent at a time when such person was 21 years of age or older and the lineal issue of such person shall be deemed class A transferees, if the decedent was the stepparent of such person at the time of adoption and the stepparent-stepchild relationship existed for at least 10 years prior to the date of death.

SEC. 4. Section 13601 of the Revenue and Taxation Code is amended to read:

13601. A transfer by will or the laws of succession is subject to this part.

SEC. 5. Section 13602 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 13641 of the Revenue and Taxation Code is amended to read:

13641. If a transfer specified in this article was made during lifetime by a decedent, for a consideration in money or money's worth, but the transfer was not a bona fide sale for an adequate and full consideration in money, or money's worth, the amount of the transfer subject to this part shall be the excess of

(a) The value, at the date of the transferor's death, of the property transferred, over

(b) An amount equal to the same proportion of the value, at the time of the transferor's death, of the property transferred which the consideration received in money or money's worth for the property transferred bears to the value, at the date of transfer, of the property transferred.

SEC. 7. Section 13953 of the Revenue and Taxation Code is amended to read:

13953. The value of a future, contingent, or limited estate, income, or interest is determined in accordance with the standards of mortality and value set forth in the United States life tables and actuarial tables 1939–1941, table 38, published by the Bureau of the Census of the United States Department of Commerce, and the rate of interest used in computing the present value of the estate, income, or interest is 3½ percent per annum compounded annually.

SEC. 8. Section 13954 of the Revenue and Taxation Code is amended to read:

13954. In determining the present value of a future, contingent, or limited estate, income, or interest, other than an

annuity in a fixed amount, the yearly income, or the annual value of the use or income, of the estate, income, or interest, is considered equivalent to 3½ percent of the appraised value of the property upon which the estate, income, or interest is based.

SEC. 9. Section 14762 of the Revenue and Taxation Code is repealed.

SEC. 10. Section 15110 of the Revenue and Taxation Code is amended to read:

15110. "Class A donee" means any of the following:

(a) A donee who is the husband, wife, lineal ancestor, or lineal issue of the donor.

(b) A donee to whom the donor for not less than 10 continuous years prior to the transfer stood in the mutually acknowledged relationship of a parent, if the relationship commenced on or before the donee's 15th birthday.

(c) A donee who is the lineal issue of a child mentioned in subdivision (b).

SEC. 11. Section 15111 of the Revenue and Taxation Code is amended to read:

15111. "Class B donee" means any of the following:

(a) A donee who is the brother, sister, or descendant of a brother or sister of the donor.

(b) A donee who is the wife or widow of a son, or the husband or widower of a daughter, of the donor.

SEC. 12. Section 15113 is added to the Revenue and Taxation Code, to read:

15113. In determining the classification of a donee of any class for the purposes of this part, children adopted in conformity with the laws of this state while under the age of 21 years are deemed to be natural children of their adoptive parents and to be unrelated to any natural parent who has been replaced by the adoption. Other adopted children are deemed to retain their relationship to their natural parents and to be unrelated to their adoptive parents; provided, however, that a person adopted by the donor at a time when such person was 21 years of age or older and the lineal issue of such person shall be deemed class A donees if the donor was the stepparent of such person at the time of adoption and the stepparent-stepchild relationship existed for at least 10 years prior to the date of gift.

SEC. 13. Section 15552 of the Revenue and Taxation Code is amended to read:

15552. The value of a future, contingent, or limited estate, income, or interest is determined in accordance with the standards of mortality and value set forth in the United States life tables and actuarial tables 1939–1941, Table 38, published by the Bureau of the Census of the United States Department of Commerce, and the rate of interest used in computing the present value of the estate, income, or interest is 3½ percent per annum compounded annually.

SEC. 14. Section 15553 of the Revenue and Taxation Code is amended to read:

15553. In determining the present value of a future, contingent, or limited estate, income, or interest, other than an annuity in a fixed amount, the yearly income, or the annual value of the use or income, of the estate, income, or interest is considered equivalent to 3½ percent of the appraised value of the property upon which the estate, income, or interest is based.

SEC. 15. Section 16251 of the Revenue and Taxation Code is amended to read:

16251. Within three years after a determination is issued, any person who has paid or is liable for the tax may bring an action against the state in the superior court having jurisdiction to have the tax modified, in whole or in part.

CHAPTER 1201

An act to amend an initiative act entitled "An act to establish a board of osteopathic examiners, to provide for their appointment, and to prescribe their powers and duties; to regulate the examination of applicants, who are graduates of osteopathic schools, for any form of certificate to treat disease, injuries, deformities or other physical or mental conditions; to regulate the practice of those so licensed, who are graduates of osteopathic schools; to impose upon said board of osteopathic examiners all duties and functions, relating to graduates of osteopathic schools, holding or applying for any form of certificate or license, heretofore exercised and performed by the board of medical examiners of the State of California under the provisions of the state medical practice act, approved June 2, 1913, and acts amendatory thereof" approved by electors November 7, 1922, by amending Section 1 thereof, and to amend Sections 2376.5 and 2496 of the Business and Professions Code, relating to the Board of Osteopathic Examiners.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1 of the act cited in the title is amended to read:

Section 1. A self-sustaining Board of Osteopathic Examiners to consist of five members and to be known as the "Board of Osteopathic Examiners of the State of California" is hereby created and established. The Governor shall appoint the members of the board, each of whom shall have been a citizen of this state for at least five years next preceding his

appointment. Each of the members shall be appointed from among persons who are graduates of osteopathic schools who hold unrevoked licenses or certificates to practice in this state. The Governor shall fill by appointment all vacancies on the board. The term of office of each member shall be three years; provided, that of the first board appointed, one shall be appointed for one year, two for two years, and two for three years, and that thereafter all appointments shall be for three years, except that appointments to fill vacancies shall be for the unexpired term only. The Governor shall have power to remove from office any member of the board for neglect of duty, for incompetency, or for unprofessional conduct. Each member of the board shall, before entering upon the duties of his office, take the constitutional oath of office. All fees collected on behalf of the Board of Osteopathic Examiners and all receipts of every kind and nature, shall be reported at the beginning of each month for the month preceding, to the State Controller and at the same time the entire amount must be paid into the State Treasury and shall be credited to a fund to be known as the Board of Osteopathic Examiners Contingent Fund, which fund is hereby created. Such contingent fund shall be for the use of the Board of Osteopathic Examiners and out of it and not otherwise shall be paid all expenses of the board. Each member of the board shall receive a per diem and expenses as provided in Section 103, provided the fees and other receipts of the board are sufficient to meet this expense.

The Governor shall appoint the members of said board within 30 days after this act takes effect. The board shall be organized within 60 days after the appointment of its members by the Governor by electing from its number a president, vice president and a secretary who shall also be the treasurer, who shall hold their respective positions during the pleasure of the board. The board shall hold one meeting annually beginning on the second Tuesday in January in the City of Sacramento with power of adjournment from time to time until its business is concluded. Special meetings of the board may be held at such time and place as the board may designate. Notice of each regular or special meeting shall be given twice a week for two weeks next preceding each meeting in one daily paper published in the City of San Francisco, one published in the City of Sacramento, and one published in the City of Los Angeles which notice shall also specify the time and place of holding the examination of applicants. The secretary of the board upon an authorization from the president of the board, or the chairman of the committee may call meetings of any duly appointed committee of the board at a specified time and place and it shall not be necessary to advertise such committee meetings. The board shall receive through

its secretary applications for certificates to be issued by said board and shall, on or before the first day of January in each year transmit to the Governor a full report of all its proceedings together with a report of its receipts and disbursements.

The office of the board shall be in the City of Sacramento. Suboffices may be established in Los Angeles and San Francisco and such records as may be necessary may be transferred temporarily to such suboffices. Legal proceedings against the board may be instituted in any one of said three cities.

The board may from time to time adopt such rules as may be necessary to enable it to carry into effect the provisions of this act. It shall require the affirmative vote of three members of said board to carry any motion or resolution, to adopt any rules, pass any measure or to authorize the issuance or the revocation of any certificate. Any member of the board may administer oaths in all matters pertaining to the duties of the board and the board shall have authority to take evidence in any matter cognizable by it. The board shall keep an official record of its proceedings, a part of which record shall consist of a register of all applicants for certificates under this act together with the action of the board upon each application.

The board shall have the power to employ legal counsel to advise and assist it in connection with all matters cognizable by the board or in connection with any litigation or legal proceedings instituted by or against said board and may also employ inspectors, special agents and investigators, and such clerical assistance as it may deem necessary to carry into effect the provisions of this act. The board may fix the compensation to be paid for such services and may incur such other expense as it may deem necessary; provided, however, that all of such expense shall be payable only from the said fund hereinbefore provided for and to be known as the Board of Osteopathic Examiners Contingent Fund.

Every applicant for any form of certificate shall pay to the secretary-treasurer of the board the fees prescribed by law. Every licentiate, or certificate holder, subject to the jurisdiction of this board, shall on or before the first day of January of each year pay to the secretary-treasurer the annual tax and registration fee prescribed by law.

SEC. 2. Section 2376.5 of the Business and Professions Code is amended to read:

2376.5. A person, whose certificate has been revoked or suspended for more than one year, may petition the board to reinstate the certificate after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from physicians and surgeons licensed by the board to which the petition is addressed and

by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, his general reputation for truth, professional ability and good character, and may require the petitioner to pass an oral or written examination, or both, at the option of the board. The affirmative vote of at least seven of the members of the Board of Medical Examiners is necessary to set aside a penalty and to restore a certificate with or without terms, conditions and restrictions. The affirmative vote of at least three of the members of the Board of Osteopathic Examiners is necessary to set aside a penalty and to restore a certificate with or without terms, conditions, and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

The secretary-treasurer shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section and he shall certify notices to the proper county clerk. The county clerk shall make such changes on his records as may be necessary.

SEC. 3. Section 2496 of the Business and Professions Code is amended to read:

2496. The amount of fees and refunds is that fixed by the following schedule for any certificate issued by the Board of Osteopathic Examiners. All other fees and refunds for any certificate issued by the Board of Osteopathic Examiners and which are not prescribed in this schedule, are prescribed in Section 2458.

(a) The fee for each applicant for a certificate, unless otherwise provided, shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum as the board determines necessary to defray the expenses of administering the provisions of this chapter, under the Osteopathic Act, relating to the issuance of cer-

tificates to such applicants, which sum, however, shall not exceed fifty dollars ($50) nor be less than twenty-five dollars ($25). If the applicant's credentials are insufficient, or if he does not desire to take the examination or if the applicant fails to receive a certificate, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a reciprocity certificate shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and shall pay a fee which shall be fixed annually by the board at a sum not in excess of one hundred dollars ($100) nor less than twenty-five dollars ($25) for the issuance of a certificate.

(c) The annual tax and registration fee shall be set by the board on or before November 1st of each year for the ensuing calendar year at such sum which, when added to all other estimated revenues for such year, will be sufficient to defray all estimated expenditures of the board for such year in administering and enforcing the provisions of this chapter under the Osteopathic Act, which sum, however, shall not exceed seventy-five dollars ($75) nor be less than ten dollars ($10).

(d) The fee for failure to pay the annual tax and registration fee is fifty dollars ($50).

CHAPTER 1202

An act to add Section 270h to the Penal Code, relating to support of minors.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 270h is added to the Penal Code, to read:

270h. In any case where there is a conviction under the provisions of either Section 270 or 270a and there is an order granting probation which includes an order for support, execution may be issued on such order for the support payments that accrue during the time such probation order is in effect, in the same manner as on a judgment in a civil action for support payments. This remedy is in addition to any other remedies available to the court. This remedy shall not apply when there is an existing civil order for support of the same person or persons included in the probation support order.

CHAPTER 1203

An act to amend Sections 1016 and 1016.5 of the Education Code, relating to junior colleges.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 1016 of the Education Code is amended to read:

1016. The governing board of any school district, including the governing board of a junior college district, may contract for the services of an attorney in private practice to prepare and conduct school district litigation, or to assist it in the preparation and conduct of school district litigation, and compensation of such attorney pursuant to contract 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 counsel as to the merits of the litigation and the form of the proposed contract of employment with the private attorney. The district attorney or the county counsel shall furnish his written views within seven days from the time he is requested by the governing board of the school district.

SEC. 2. Section 1016.5 of the Education Code is amended to read:

1016.5. The governing board of any school district, including the governing board of a junior college 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 counsel, 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.

SEC. 3. The amendments made to Sections 1016 and 1016.5 of the Education Code by Sections 1 and 2 of this action do not constitute a change in, but are declaratory of, the preexisting law.

CHAPTER 1204

An act to add Sections 6726, 6726.1, 6726.2, 6726.3, and 6726.4 to the Business and Professions Code, relating to engineers.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 6726 is added to the Business and Professions Code, to read:

6726. The board, when it deems necessary, may establish professional engineers investigation committees to assist the board in the investigation of claims of violation of any provision under this chapter. Each committee shall report its findings and recommendations to the board. Any member of such a committee may act as an expert witness at a hearing conducted by the board when the hearing is conducted as a result of the committee's investigation.

Each committee shall exist so long as the board deems that it is necessary.

SEC. 2. Section 6726.1 is added to the Business and Professions Code, to read:

6726.1. Each member of each committee shall be appointed by the board and shall serve at the pleasure of the board. Each committee shall be composed of no more than five members.

SEC. 3. Section 6726.2 is added to the Business and Professions Code, to read:

6726.2. Each member of each committee shall be an expert in the branch of engineering that the committee is investigating and shall be registered under this chapter.

SEC. 4. Section 6726.3 is added to the Business and Professions Code, to read:

6726.3. All the members of each committee shall serve without compensation but shall receive per diem and expenses as provided in Section 103.

SEC. 5. Section 6726.4 is added to the Business and Professions Code, to read:

6726.4. Each member of each investigation committee shall be granted the same immunity as is granted to a public employee pursuant to Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code.

CHAPTER 1205

An act to amend Section 816 of, and to add Section 836.5 to, the Penal Code, relating to warrants of arrest and arrests.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 816 of the Penal Code is amended to read:

816. A warrant of arrest shall be directed generally to any peace officer, or to any public officer or employee authorized

to serve process where the warrant is for a violation of a statute or ordinance which such person has a duty to enforce, in the state, and may be executed by any of those officers to whom it may be delivered.

SEC. 2. Section 816 of the Penal Code is amended to read:

816. A warrant of arrest shall be directed generally to any peace officer, or to any public officer or employee authorized to serve process where the warrant is for a violation of a statute or ordinance which such person has the duty to enforce, in the state, and may be executed by any of those officers to whom it may be delivered.

When a warrant of arrest has been delivered to a peace officer and the person named in the warrant is otherwise lawfully in the custody of the peace officer, the warrant may be executed by the peace officer or by any clerk of a city or county jail authorized to act and acting under the peace officer's direction.

SEC. 3. Section 836.5 is added to the Penal Code, to read:

836.5. (a) A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of a statute or ordinance which such officer or employee has the duty to enforce.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any public officer or employee acting pursuant to subdivision (a) and within the scope of his authority for false arrest or false imprisonment arising out of any arrest which is lawful or which the public officer or employee, at the time of the arrest, had reasonable cause to believe was lawful. No such officer or employee shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance.

(c) In any case in which a person is arrested pursuant to subdivision (a) and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of this title. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

(d) The governing body of a local agency, by ordinance, may authorize those of its officers and employees who have the duty to enforce a statute or ordinance to arrest persons for violations of such statute or ordinance as provided in subdivision (a).

SEC. 3. It is the intent of the Legislature, if amendments to Section 816 of the Penal Code proposed by both this bill and AB 1494 are enacted, that both amendments be given effect

and incorporated in Section 816 in the form set forth in Section 2 of this act. Therefore, in the event AB 1494 is enacted and amends Section 816, Section 2 of this act shall become operative at the same time that Section 816 as amended by AB 1494 becomes operative, and at that time, Section 816 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 1206

An act to amend Section 830.2 of the Penal Code and to repeal Section 399 of the Military and Veterans Code, relating to peace officers' status for members of the California National Guard.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 830.2 of the Penal Code is amended to read:

830.2. (a) Any member of the California Highway Patrol is a peace officer whose authority extends to any place in the state; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of the Vehicle Code or of any other law relating to the use or operation of vehicles upon the highways, as that duty is set forth in the Vehicle Code. Provided further, that he shall not act as a peace officer in enforcing any other law except (i) when in pursuit of any offender or suspected offender or (ii) to make arrests for crimes committed in his presence or upon any highway.

(b) Any member of the California State Police Division is a peace officer; provided, that the primary duty of any such peace officer shall be the protection of state properties and occupants thereof, and he shall not act as a peace officer in enforcing any law except (1) when in pursuit of any offender or suspected offender or (2) to make arrests for crimes committed in his presence or upon state properties.

(c) 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 of the Military and Veterans Code, (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 authority of any such peace officer extends to the area wherein military assistance is required as to a public offense committed or which there is reasonable cause to believe has been committed within that area. The requirements of Section 1031 of the Government Code are not applicable under such circumstances.

SEC. 2. Section 399 of the Military and Veterans Code is repealed.

SEC. 3. The amendment of Section 830.2 of the Penal Code and the repeal of Section 399 of the Military and Veterans Code made by this act do not constitute a change in, but are declaratory of, the existing law.

CHAPTER 1207

An act to add Section 71 to the Penal Code, relating to crimes against public and school officials.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 71 is added to the Penal Code, to read:

71. Every person who, with intent to cause, attempts to cause, or causes, any officer or employee of any public or private educational institution or any public officer or employee to do, or refrain from doing, any act in the performance of his duties, by means of a threat, directly communicated to such person, to inflict an unlawful injury upon any person or property, and it reasonably appears to the recipient of the threat that such threat could be carried out, is guilty of a public offense punishable as follows:

(1) Upon a first conviction, such person is punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

(2) If such person has been previously convicted of a violation of this section, such previous conviction shall be charged in the accusatory pleading, and if such previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, he is punishable by imprisonment in the state prison not exceeding five years.

As used in this section, "directly communicated" includes, but is not limited to, a communication to the recipient of the threat by telephone, telegraph, or letter.

CHAPTER 1208

An act to add Chapter 2d (commencing with Section 2985.7) to Title 14 of Part 4 of Division 3 of the Civil Code, relating to sales and leases of automobiles.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Chapter 2d (commencing with Section 2985.7) is added to Title 14 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 2d. AUTOMOBILE LEASING ACT

2985.7. As used in this chapter, unless the context otherwise requires:

(a) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code which is bought for use primarily for personal or family purposes, and does not mean any vehicle which is bought for use primarily for business or commercial purposes.

(b) "Leasing contract" or "contract" means any contract for the bailment or leasing for a term exceeding four months of a motor vehicle by which it is agreed that the bailee or lessee bear the risk of the motor vehicle's depreciation.

(c) "Value" means the value placed on the vehicle which value is to be used as an element in the establishment of any liability of the lessee or bailee at the end of the lease.

(d) "Lessor" includes bailor, and "lessee" includes bailee.

2985.8. Every leasing contract for the lease or bailment of an automobile, with or without accessories, shall be in writing and, if printed, shall be in type no smaller than six-point, and shall contain in a single document all of the agreements of the lessor and lessee with respect to the obligations of each party. The contract shall be signed by the lessor or his authorized representative and by the lessee or his authorized representative and an exact copy thereof shall be furnished the lessee by the lessor at the time the lessor and the lessee have signed the contract. No motor vehicle shall be delivered under this chapter until the lessor delivers to the lessee a fully executed copy of the contract. The lessor shall not obtain the signature of the lessee to a contract when it contains blank spaces to be filled in after it has been signed. Every contract shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

(a) The value of the motor vehicle.

(b) The total amount of periodic payments to be credited to the lessee in the establishment of any liability at the end of the lease period.

(c) The total amount of periodic payments not to be so credited.

(d) The maximum for which the lessee could be liable at the end of the lease period.

(e) The amount, if any, included for insurance (specifying the coverages and the cost of each type of coverage) if such insurance is provided by or procured through the lessor.

(f) A notice in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the lessee: (1) Do not sign this agreement before you read it or if it contains any

blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement."

2985.9. If the lessor, except as the result of an accidental or bona fide error of computation, violates any provision of Section 2985 8, the leasing 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 2985.91, and if the violation is not corrected, the lessee may recover from the lessor the total amount paid, pursuant to the terms of the contract, by the lessee to the lessor or to his assignee or pledgee.

2985.91. Any failure to comply with Section 2985 8 can be corrected by the holder, except that a willful violation may not be corrected unless it is a violation appearing on the face of the contract and is corrected within 30 days after the execution of the contract or within 20 days after its sale, assignment or pledge, whichever is later, provided that the 20-day period shall commence with the initial sale, assignment or pledge of the contract, and provided that any other violation appearing on the face of the contract may be corrected only within such time period. A correction which will increase the amount of the contract balance or the amount of any installment as such amounts appear on the leasing contract shall not be effective unless the lessee concurs in writing to the correction. If the lessee is notified by the lessor of such a failure to comply with any provision of this chapter, the correction shall be made within 10 days after such notice. Where any provision of a leasing contract fails to comply with Section 2985.8, the correction shall be made by mailing or delivering a corrected copy of the contract to the lessee. Any amount improperly collected by the holder from the lessee shall be credited against the indebtedness evidenced by the contract or returned to the lessee. A violation corrected as provided in this section shall not be the basis of any recovery by the lessee or affect the enforceability of the contract by the holder, and shall not be deemed to be a substantive change in the agreement of the parties.

2985 92. This chapter shall not apply to any transaction which is regulated by Chapter 2b (commencing with Section 2981) of this title.

2985.93. This chapter may be cited as the Moscone Automobile Leasing Act of 1969.

CHAPTER 1209

An act to amend Section 2909 of the Business and Professions Code, relating to psychologists.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 2909 of the Business and Professions Code is amended to read:

2909. Nothing in this chapter shall be construed as restricting or preventing activities of a psychological nature or the use of the official title of the position for which they were employed on the part of the following persons, provided such persons are performing those activities as part of the duties for which they were employed, are performing such activities solely within the confines of or under the jurisdiction of the organization in which they are employed and do not offer to render or render psychological services as defined in Section 2903 to the public for a fee, monetary or otherwise, over and above the salary they receive for the performance of their official duties with the organization in which they are employed:

(a) Persons who hold a valid and current credential as a school psychologist issued by the California Department of Education

(b) Persons who hold a valid and current credential as a psychometrist issued by the California Department of Education

(c) Persons employed in positions as psychologists or psychological assistants by accredited or approved colleges, junior colleges or universities; federal, state, county or municipal governmental organizations. However, such persons may, without obtaining a license under this act, consult or disseminate their research findings and scientific information to other such accredited or approved academic institutions or governmental agencies. They may also offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter.

(d) Persons who meet the educational requirements of subdivision (d) of Section 2914 and who have one year or more of professional experience of a type which the committee determines will competently and safely permit the person to engage in the activities regulated by this chapter, if they are employed by nonprofit community agencies which receive a minimum of 25 percent of their financial support from any federal, state, county, or municipal governmental organizations for the purpose of training and providing services. Such persons shall be registered by the agency with the committee at the time of employment and shall be exempt from the provisions of this chapter for a maximum period of two years from the date of registration.

CHAPTER 1210

An act to amend Section 13210 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13210 of the Vehicle Code is amended to read:

13210. Notwithstanding any other provision of this code, whenever any person is convicted for the first time of driving a motor vehicle while under the influence of intoxicating liquor, other than under Section 23101, the court may order the department not to suspend the privilege of the person to operate a motor vehicle under Section 13352. In such event the court may also limit the person's driving privilege as a condition of probation without notifying the department of such condition.

CHAPTER 1211

An act to amend Section 13800 of the Penal Code, relating to the California Council on Criminal Justice.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13800 of the Penal Code is amended to read:

13800. There is hereby created in the state government the California Council on Criminal Justice, hereafter referred to as the council, which shall be composed of the following members: the Attorney General, 16 members appointed by the Governor, three of whom shall be the Commissioner of the Department of the Highway Patrol, the Director of the Department of Corrections, and the Director of the Youth Authority; six members appointed by the Senate Rules Committee, two of whom shall be Members of the Senate; and six members appointed by the Speaker of the Assembly, two of whom shall be Members of the Assembly.

The appointing authorities shall consult in the selection of council members to insure that there is balanced representation on the council including representatives of the public concerned with the prevention and reduction of crime.

The appointees of the Governor shall include: a chief of police, a district attorney, a sheriff, a public defender, two members of city councils, two members of county boards of supervisors, a representative of the Commission on Peace Offi-

cer Standards and Training, a faculty member of a college or university qualified in the field of criminology, police science, or law, and a person qualified in the general field of research, development, and systems technology. The Speaker and Senate Committee on Rules shall include among their appointments a representative of the Judicial Council, a judge, a representative of the cities and a representative of the counties.

CHAPTER 1212

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

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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 rate specified in salary range number 41 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 36 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 33 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 29 of the salary schedule.

(d) Twelve deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 27 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 41 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 36 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 33 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 29 of the salary schedule.

(d) Eleven deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 27 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 27 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 41 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 36 of the salary schedule.

(b) Six deputy clerks, grade III, each of whom shall receive a monthly salary at the rate specified in salary range number 33 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 29 of the salary schedule.

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

CHAPTER 1213

An act to amend Sections 592 and 2400 of the Vehicle Code, relating to highways.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 592 of the Vehicle Code is amended to read:

592. "Highway", for the purposes of Division 3 (commencing with Section 4000), Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14.8 (commencing with Section 34500), and Division

15 (commencing with Section 35000), does not include a way or place under the jurisdiction of a federal governmental agency, which lies on national forest or private lands, is open to public use, and for which the cost of maintenance of such way or place is borne or contributed to directly by any users thereof.

SEC. 2. Section 2400 of the Vehicle Code is amended to read:

2400. The commissioner shall administer Chapter 4 (commencing with Section 10850) of Division 4, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Chapter 11 (commencing with Section 22950), Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14 (commencing with Section 31600), Division 14.8 (commencing with Section 34500), Division 15 (commencing with Section 35000), and Division 16 (commencing with Section 36000) except Chapter 2 (commencing with Section 36100) and Chapter 3 (commencing with Section 36300).

The commissioner shall enforce all laws regulating the operation of vehicles and the use of the highways except that on ways or places to which Section 592 makes reference, the commissioner shall not be required to provide patrol or enforce any provisions of this code other than those provisions applicable to private property.

The commissioner shall have full responsibility and primary jurisdiction for the administration and enforcement of such provisions and laws, and for the investigation of traffic accidents, on all state highways constructed as freeways within incorporated areas of the state, provided, however, that city police officers while engaged primarily in general law enforcement duties may incidentally enforce state and local traffic laws and ordinances on state freeways. In any city having either a population in excess of 2,000,000 or an area of more than 300 square miles city police officers shall have full responsibility and primary jurisdiction for the administration and enforcement of such laws and ordinances, unless the city council of any such city shall by resolution request administration and enforcement of such laws by the commissioner.

CHAPTER 1214

An act to add Section 34005 to the Vehicle Code, relating to implements of husbandry.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 34005 is added to the Vehicle Code, to read:

34005. The provisions of this division shall not apply to a trap wagon or spray rig when empty or when transporting not more than 1,000 gallons of flammable liquids to accomplish the basic function of such vehicle. For the purpose of this section, trap wagon and spray rig shall mean an implement of husbandry as defined in Section 36005.

CHAPTER 1215

An act to amend Sections 6809, 6902, and 6903 of the Education Code, relating to special education programs.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 6809 of the Education Code is amended to read:

6809. Physically handicapped minors may be admitted at the age of three years to special schools or classes established for such minors.

When the school district of residence of a minor between the ages of three and six years who is deaf, blind, cerebral palsied, orthopedically handicapped, or aphasic does not maintain a special class in the category of the minor's handicapping condition, but such a special class or special school is maintained by the county superintendent of schools or by another school district, such a minor shall be admitted to a special school or special class so maintained when all of the following circumstances exist:

(a) The minor is eligible for enrollment under the regulations of the county superintendent or the governing body of the district maintaining such special class, as applicable.

(b) The governing board of the district or the county superintendent maintaining the special day class is willing to admit the minor.

(c) The parents of the minor file a written request that the minor be so admitted and a physician's statement that the minor is physically able to attend such a class. Such request and statement shall be filed with the district superintendent of schools when the class is maintained by a school district or with the county superintendent of schools when the class is maintained by the latter.

If a minor is admitted pursuant to this section, the district of the pupil's residence shall enter into a contract as provided by Section 6806, and the provisions of Section 6806 with re-

spect to payment of cost of tuition and the cost of buildings and equipment shall apply.

SEC. 2. Section 6902 of the Education Code is amended to read:

6902. The education of mentally retarded minors who are of compulsory school age and who may be expected to benefit from special educational facilities designed to make them economically useful and socially adjusted shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. Such special education may be provided mentally retarded minors who are between five years nine months and six years of age and those above compulsory school age and less than 21 years of age.

SEC. 3. Section 6903 of the Education Code is amended to read:

6903. The education of mentally retarded minors who do not come within the provisions of Section 6902, who are six or more, and less than 18 years of age and who may be expected to benefit from special educational facilities designed to educate and train them to further their individual acceptance, social adjustment, and economic usefulness in their homes and within a sheltered environment, shall be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive. The education of such mentally retarded minors who are five or more and less than six years of age may be provided for in the manner set forth in Sections 6901 to 6913, inclusive, and in Sections 895 to 895.10, inclusive.

Any such minor who becomes 18 years of age while in attendance upon a special training school or class shall be permitted to continue to attend thereon for the remainder of the time such school or class is maintained during the then current school year.

Notwithstanding other provisions of this section any such minor who is participating regularly in an approved occupational training program in the manner set forth in Sections 6931 and 6932 may be permitted by the governing board of the district or county superintendent of schools, as the case may be, maintaining such training program to continue thereon until his 21st birthday.

CHAPTER 1216

An act to amend Section 28145 of the Government Code, relating to county officers.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 28145 of the Government Code is amended to read:

28145. In a county of the 45th 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, four thousand four hundred twenty dollars ($4,420) a year.

(b) The district attorney, sixteen thousand dollars ($16,000) a year, and he shall not engage in the private practice of law.

(c) Each supervisor, eight thousand seven hundred dollars ($8,700) a year for all services performed by him, as supervisor and member of the board of equalization.

Each supervisor shall receive twelve cents ($0.12) 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) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, and for coroner's inquests, a monthly salary of four hundred dollars ($400) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid seven dollars ($7) a day for each day's attendance, and twelve cents ($0.12) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars ($6) a day

for each day's actual attendance, and twelve cents ($0 12) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1217

An act to amend Section 69891.1 of the Government Code, relating to judicial officers.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 69891.1 of the Government Code is amended to read:

69891.1. In each county with a population of less than 145,000 and more than 130,000, as determined by the 1960 census, to assist the court in the transaction of its judicial business, the judges of the court may appoint one competent judicial secretary skilled in such work for each judge of the superior court of the county who is to render such service as the judge may require each day.

The judicial secretary shall be eligible for such retirement, insurance, or other benefits as may be available to county employees

The monthly salary, classification, and within-range advancement of each judical secretary shall be established and adjusted by approval of the board of supervisors and a majority of the judges of the court. The salary shall be allowed, paid, and audited from the same source and in the same manner as may be required for other salary demands against the county.

CHAPTER 1218

An act to amend Sections 73, 1177, and 1182 of the Labor Code, relating to the Industrial Welfare Commission.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 73 of the Labor Code is amended to read:

73. The Division of Industrial Welfare shall appoint such staff as needed to carry out its duties and shall loan such per-

sonnel as needed to the commission in the performance of its respective functions, and shall fix their salaries in accordance with law. Personnel loaned to the commission shall be under the supervision of the Chief of the Division of Industrial Welfare.

It is not the intent of the Legislature that the amendment of this section made at the 1969 Regular Session of the Legislature shall be used to justify a budget request for additional funds for the division. It is the intent of the Legislature that at those times when the commission is revising its orders, permanent personnel of the division, at no additional budget expense, be loaned temporarily to assist the commission in the performance of its functions.

SEC. 2. Section 1177 of the Labor Code is amended to read:

1177. The commission may make and enforce rules of practice and procedure and shall not be bound by the technical rules of evidence. Each order of the commission shall include a statement as to the basis upon which the order is predicated and shall be concurred in by a majority of the commissioners.

SEC. 3. Section 1182 of the Labor Code is amended to read:

1182. After the wage board conference and public hearing, as provided in this chapter, the commission may, upon its own motion or upon petition, fix:

(a) A minimum wage to be paid to women and minors engaged in any occupation, trade, or industry in this state, which shall not be less than a wage adequate to supply the necessary costs of proper living to, and maintain the health and welfare of such women and minors.

(b) The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade, or industry in this state. The hours so fixed shall not be more than the maximum now or hereafter fixed by law.

(c) The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade, or industry in this state.

The commission may thereupon make a mandatory order during the first three calendar months of the year, to be effective on a date fixed by the commission, which date shall not be less than 60 nor more than 90 days from the publication thereof, specifying the minimum wage, the maximum hours, and the standard conditions of labor for women or minors in the occupation, trade, or industry in question. The hours specified shall not be more than the maximum for women or minors in California. Such order shall be published in at least one newspaper in each of the Cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno, San Diego, and San Francisco.

CHAPTER 1219

An act to amend Section 5303, and to add Chapter 14 (commencing with Section 5320) to Part 3 of Division 7, of the Streets and Highways Code, relating to assessments of property owned by the State of California.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 5303 of the Streets and Highways Code is amended to read:

5303. If the legislative body, in the resolution of intention, declares that any lot or parcel of land used as provided in Section 5301 and owned by the United States or any department thereof or the State of California or any department thereof shall be included in the assessment, or if no declaration is made respecting any such lot or parcel of land, then the city shall be liable for such sum as may thereafter be assessed against such lot or parcel of land and which is unpaid after 30 days from the recordation of the assessment. Such sum shall be payable by the city out of the general fund unless the legislative body shall in its resolution of intention designate another fund. The foregoing provisions of this section shall not apply to any assessment pursuant to Chapter 14 (commencing with Section 5320) of Part 3 of this division against any such land owned by the State of California or department thereof, but the city shall advance the amount of any such assessment in such assessment proceedings and shall in such case become the owner of such assessment and entitled to repayment of such amount with interest thereon at the rate provided in that chapter from the State of California or any department thereof.

SEC. 2. Chapter 14 (commencing with Section 5320) is added to Part 3 of Division 7 of the Streets and Highways Code, to read:

CHAPTER 14. ASSESSMENT OF PROPERTY OWNED BY THE STATE OF CALIFORNIA

5320. Notwithstanding the terms and provisions of any other section of this division, the provisions of this chapter shall apply to and govern the assessment of property owned by the State of California or any department thereof.

5321. All real property acquired by the State of California or any department thereof is property subject to assessment in proceedings conducted under this division, except real property acquired prior to the recordation in the office of the county recorder of the notice of award of contract pursuant to Section 5248 or Section 10502.1 or the notice of assessment pursuant to Section 3114, whichever time is earlier, and which is located

within the right-of-way of a state highway or proposed state highway. For the purposes of this section, property shall be deemed to have been acquired upon the vesting of title, or the filing of a condemnation action, whichever occurs first.

5322. The State of California or any department thereof that has jurisdiction over any real property subject to assessment as provided in this chapter shall pay the amount of money assessed against such real property together with any interest as herein provided. If the State of California or the department thereof having jurisdiction of the real property does not pay the amount of money so assessed against such property on or before the end of the second fiscal year following the date when the notice of assessment is recorded pursuant to Section 3114, the owner of such assessment shall, within six months after the end of the second fiscal year, have the right to file a claim against the State of California in the manner provided in Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government Code, and neither any provision of those chapters nor any statute of limitation nor any other statutory provision shall bar the filing of such a claim within such six-months' period.

5323. The State of California or any department thereof having jurisdiction over any real property subject to assessment as provided in this chapter shall have the same right provided for in this division or other applicable law to pay the amount of money assessed against such real property without interest as does a private person owning property assessed under this division or such other law.

5324. Neither the State of California nor any department thereof that has jurisdiction over any real property assessed, as herein provided, shall be obligated to make payment thereof until the Legislature has appropriated the amount necessary to make payment of such assessment.

5325. If the State of California or such department thereof does not pay the amount of money assessed within 30 days after the effective date of the legislation making the appropriation to pay the assessment, the amount of money assessed shall bear interest at the rate of 6 percent per annum until paid, commencing with the 31st day after the effective date of such appropriation.

CHAPTER 1220

An act to amend Sections 27491.6, 27503, and 27504 of, to add Sections 27491.7, 27499.1, 27502.2 and 27504.1 to, and to repeal Sections 27505, 27506, 27507, 27508, 27509, 27510, 27513 and Article 4 (commencing with Section 27540) of Chapter 10, Part 3, Division 2, Title 3 of, the Government Code, relating to coroners.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 27491.6 of the Government Code is amended to read:

27491.6. The coroner may also, in his discretion, if the circumstances warrant, hold an inquest, and he shall hold an inquest if requested to do so by the Attorney General, the district attorney, sheriff, city prosecutor, city attorney, or a chief of police of a city in the county in which such coroner has jurisdiction. Such inquest shall be held with or without a jury, at the coroner's discretion and shall be open to the public.

SEC. 2. Section 27491.7 is added to the Government Code, to read:

27491.7. The coroner, his authorized deputy, or a hearing officer shall conduct the inquest.

SEC. 3. Section 27499.1 is added to the Government Code, to read:

27499.1. Where the names and addresses of possible witnesses have been furnished to the coroner by the next of kin of the deceased, an attorney for the next of kin, or the district attorney, the coroner shall, if it reasonably appears to him that the persons named are in fact necessary witnesses, subpoena such persons to appear at the inquest hearing.

SEC. 5. Section 27502.2 is added to the Government Code, to read:

27502.2. The inquest verdict or decision shall be inadmissible as evidence in any civil or criminal proceeding.

SEC. 6. Section 27503 of the Government Code is amended to read:

27503. The testimony of the witnesses examined in the coroner's inquest shall be filed by the coroner with the county clerk within 10 days following the inquest.

SEC. 7. Section 27504 of the Government Code is amended to read:

27504. After hearing the testimony, the jury shall render its verdict and certify it by an inquisition in writing signed by the members of the jury, or the coroner shall render his decision if the inquest is by the coroner sitting without a jury, setting forth the name of the deceased, the time and place of death, the medical cause of death and whether the death was by (1) natural causes, (2) suicide, (3) accident or (4) at the hands of another person. Such findings shall not include nor make any reference to civil or criminal responsibility on the part of the deceased.

SEC. 8. Section 27504.1 is added to the Government Code, to read:

27504.1. If the findings are that the deceased met his death at the hands of another, the coroner shall, in addition to filing with the county clerk, transmit his written findings to the district attorney, the police agency wherein the dead body was recovered, and any other police agency requesting copies of the findings.

The findings and conclusions provided for in this article shall be sufficient to satisfy the cause of death information required in death certificates under Section 10275 of the Health and Safety Code.

SEC. 9. Section 27505 of the Government Code is repealed.

SEC. 10. Section 27506 of the Government Code is repealed.

SEC. 11. Section 27507 of the Government Code is repealed.

SEC. 12. Section 27508 of the Government Code is repealed.

SEC. 13. Section 27509 of the Government Code is repealed.

SEC. 14. Section 27510 of the Government Code is repealed.

SEC. 15. Section 27513 of the Government Code is repealed.

SEC. 16. Article 4 (commencing with Section 27540) of Chapter 10, Part 3, Division 2, Title 3 of the Government Code is repealed.

CHAPTER 1221

An act to amend Sections 6610 and 6613 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 6610 of the Streets and Highways Code is amended to read:

6610. As a separate, distinct and cumulative remedy, the holder of any bond upon which any payment either upon the principal or of the interest has become delinquent may, if the city which initiated the proceedings is not a county, at any time after three months after the date it is provided by ordinance or charter of the city that taxes are due, or if a county initiated the proceedings or collects the taxes for the city at any time after four months next succeeding the fourth Monday of September, following the date of delinquency of principal or interest and prior to the expiration of four years after the due date of the last installment upon any bond or of the last principal coupon attached thereto, file and maintain an action to foreclose the lien of the bond and recover the amount due thereon.

No action shall be commenced pursuant to this section until the expiration of 15 days after a notice containing the amount of the payment due, the date the payment is or was due, penalties which may accrue for failure to pay, and notice of the foreclosure action which may occur if payment is not made

is mailed, postage prepaid and registered, by the bondholder, or his representative, to the owner of the property at his last known address as it appears on the tax rolls.

SEC. 2. Section 6613 of the Streets and Highways Code is amended to read:

6613. The complaint in the action shall be sufficient if it sets forth a true copy of the bond and makes appropriate allegations regarding the payments made upon the principal and interest of the bond and the mailing of the notice required pursuant to Section 6610. If personal demand for payment is made the complaint shall so allege.

CHAPTER 1222

An act to amend and renumber Section 6224 of the Public Resources Code, as added by Chapter 1397 of the Statutes of 1968, and to amend Section 2 of Chapter 1397 of the Statutes of the 1968 Regular Session, relating to Lake Tahoe, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 6224 of the Public Resources Code, as added by Chapter 1397 of the Statutes of 1968, is amended and renumbered to read:

6225. (a) The commission shall conduct research, investigations, and title searches on the real property in this state of the beaches of Lake Tahoe which is dedicated for public use and make a report of its findings which shall be open for public inspection. For the purpose of this section the commission may contract upon such terms and conditions as will be in the best interest of the people of the state with one or more private persons, firms, associations, organizations, partnerships, corporations, companies, or public agencies to conduct such research, investigations, and title searches.

(b) Notwithstanding any other provision of law, whenever it appears by final decree of any court of competent jurisdiction that title to any beach property of Lake Tahoe, for which the commission in cooperation with the county has conducted a title search, is vested in a county, the county shall dedicate such beach property to the state.

(c) The state shall be under no obligation to operate and maintain the beach property so dedicated to the state. The county or a public agency in which the beach property is situated may, subject to approval of the commission, operate, maintain, or make improvements on such beach property.

SEC. 2. Section 2 of Chapter 1397 of the Statutes of the 1968 Regular Session is amended to read:

Sec. 2. There is hereby appropriated from the General Fund the sum of thirty thousand dollars ($30,000) to the State Lands Commission for the purpose of conducting research, investigations, and title searches on the real property in this state of the beaches of Lake Tahoe.

CHAPTER 1223

An act to amend Section 9021 of the Education Code, relating to student organizations.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 9021 of the Education Code is amended to read:

9021. During school hours, and within one hour before the time of opening and within one hour after the time of closing of school, pupils of the public school shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the control of the school authorities, unless the organization is a nonpartisan, charitable organization organized for charitable purposes by an act of Congress, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved by the county board of education or by the governing board of the school district in which the school is located.

CHAPTER 1224

An act to add Article 3 (commencing with Section 23101) to Chapter 1 of Division 17 of the Education Code, relating to public meetings of the Regents of the University of California.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Article 3 (commencing with Section 23101) is added to Chapter 1 of Division 17 of the Education Code, to read:

Article 3. Meetings of the Regents

23101. All meetings of the Regents of the University of California shall, except as otherwise provided in this section, be open to the public. The corporation shall establish the time and place for holding regular meetings, but may, as

occasioned by necessity, hold special meetings. Public notice shall be given for such meetings. Such notice shall be given by notifying any newspaper of general circulation or any television or radio station, and shall be delivered personally or by mail so that the notice may be published or broadcast at least 24 hours before the time of such meeting.

The Regents of the University of California may also hold executive sessions when it meets to consider or discuss: (a) matters relating to or affecting the national security; (b) the conferring of honorary degrees or other honors or commemorations; (c) those matters involving gifts, devises and bequests; (d) matters involving purchase and sale of investments for endowment and pension funds; (e) matters involving litigation when discussion in open session concerning such matters would adversely affect or be detrimental to the public interest; (f) matters involving acquisition and disposition of property; (g) matters relating to the appointment, employment, performance, compensation, or dismissal of officers and employees; and (h) matters relating to complaints or charges brought against officers or employees of the university, unless such officer or employee requests a public hearing. There also may be excluded from any such public or private meeting during the examination of a witness, any or all other witnesses in the matter being investigated.

SEC. 2. If the Legislature adopts a partial revision to the Constitution which includes a proposed open-meeting requirement appended to Section 9 of Article IX, at the 1970 Regular Session, Assembly Constitutional Amendment No. 12 of the 1969 Regular Session shall not be submitted to the people and shall be of no effect. In such event, the Secretary of State shall not place such measure on any 1970 election ballot.

SEC. 3. Section 1 of this act shall become operative only if, at a statewide election held in 1970, the amendment to Section 9 of Article IX of the California Constitution proposed by Assembly Constitutional Amendment No. 12 of the 1969 Regular Session is submitted to and is approved by the electors. In such event, Section 1 of this act shall become operative at the same time as Assembly Constitutional Amendment No. 12 takes effect.

CHAPTER 1225

An act to amend Sections 8664, 8710, 8710.5, 8920, and 8920.5 of, and to repeal Section 8603 of, the Elections Code, relating to state and county central committees.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 8603 of the Elections Code is repealed.

SEC. 2. Section 8664 of the Elections Code is amended to read:

8664. Appointments of members to this committee shall be made in writing signed by the delegate under penalty of perjury and delivered to the Secretary of State not later than 5 o'clock of the afternoon of the Tuesday immediately preceding the Sunday on which the first meeting of the committee is to be held.

SEC. 3. Section 8710 of the Elections Code is amended to read:

8710. This committee shall convene at Sacramento at 10 o'clock a.m. of the fourth Sunday of January after a general election.

SEC. 3.5. Section 8710.5 is added to the Elections Code, to read:

8710.5. Notwithstanding any provision of law to the contrary, the state central committee meeting of a political party subject to Part 4 (commencing with Section 9600) of Division 6 of this code shall convene at Sacramento at 10 o'clock a.m. of the day following the state convention of such party.

SEC. 4. Section 8920 of the Elections Code is amended to read:

8920. Each committee shall meet in the courthouse at its county seat, upon call, which shall be given by the county clerk of the county and in quarters to be arranged or provided for by the county clerk of the county, on the second Monday after the first day in January following the direct primary election.

SEC. 4.5. Section 8920.5 is added to the Elections Code, to read:

8920.5. Notwithstanding any provision of law to the contrary, the county central committees of a political party subject to Part 4 (commencing with Section 9600) of Division 6 of this code shall meet on the second Tuesday in July following the direct primary election, except that in any year in which a national convention of such party includes that date, the existing executive committee of a committee of that party shall set the date of the meeting, not to exceed 30 days after the date herein specified.

SEC. 5. The present state and county central committees of the Democratic Party shall continue in office until the organizational meeting in January 1971.

SEC. 6. In the event that Assembly Bill No. 2252 of the 1969 Regular Session is not enacted into law, Sections 8710.5 and 8920.5 as added to the Elections Code by this act shall be repealed.

CHAPTER 1226

An act to amend Sections 20124, 20860 and 20860.5 of, to add Article 5 (commencing with Section 20930) to Chapter 7 of Part 3 of Division 5 of Title 2 of, to repeal Sections 20801.5,

20804.5, 20804.51, 20804.52, 20804.6, 20804.7, 20805.5, 20810.5, 20810.6, 20811, 20812, 20813, 20814.5, 20815, 20816, 20817, 20818, 20820, 20896, 20897, 20897.1, 21253.1 and 21253.15 of, and to repeal Article 5 (commencing with Section 20920) and Article 6 (commencing with Section 20930) of Chapter 7 of Part 3 of Division 5 of Title 2 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 20124 of the Government Code is amended to read:

20124. The board shall determine who are employees and is the sole judge of the conditions under which persons may be admitted to and continue to receive benefits under this system.

SEC. 2. Section 20801.5 of the Government Code is repealed.

SEC. 3. Section 20804.5 of the Government Code is repealed.

SEC. 4. Section 20804.51 of the Government Code is repealed.

SEC. 5. Section 20804.52 of the Government Code is repealed.

SEC. 6. Section 20804.6 of the Government Code is repealed.

SEC. 7. Section 20804.7 of the Government Code is repealed.

SEC. 8. Section 20805.5 of the Government Code is repealed.

SEC. 9. Section 20810.5 of the Government Code is repealed.

SEC. 10. Section 20810.6 of the Government Code is repealed.

SEC. 11. Section 20811 of the Government Code is repealed.

SEC. 12. Section 20812 of the Government Code is repealed.

SEC. 13. Section 20813 of the Government Code is repealed.

SEC. 14. Section 20814.5 of the Government Code is repealed.

SEC. 15. Section 20815 of the Government Code is repealed.

SEC. 16. Section 20816 of the Government Code is repealed.

SEC. 17. Section 20817 of the Government Code is repealed.

SEC. 18. Section 20818 of the Government Code is repealed.

SEC. 19. Section 20820 of the Government Code is repealed.

SEC. 20. Section 20860 of the Government Code is amended to read:

20860. Except as provided in Articles 4 (commencing with Section 20890) and 5 (commencing with Section 20930), time during which a member is absent from state service without compensation shall not be allowed in computing service.

SEC. 21. Section 20860.5 of the Government Code is amended to read:

20860.5. Time during which a member is excused from performance of his duties, whether or not he is required to perform any portion of such duties during such time, and for which he receives compensation, but in an amount less than the full compensation earnable by him while performing his duties when not so excused, such as sabbatical leave, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis; provided, however, that any such member shall receive full-time credit for such time if after returning to the employment from which he was excused and at any time prior to retirement he elects to and does contribute to the retirement fund the amount necessary to make the accumulated contributions standing to his credit in his individual account the amount it would be had he not been so absent plus the contributions that would have been made by his employer in respect to him had he not been so absent plus the interest which would have accrued to such member and employer contributions if they had been made on the date of his return to employment Payments shall be by lump sum at the time of election or in installments beginning immediately upon such election and subject to board rule.

SEC. 22. Section 20896 of the Government Code is repealed.

SEC. 23. Section 20897 of the Government Code is repealed.

SEC. 24. Section 20897.1 of the Government Code is repealed.

SEC. 25. Article 5 (commencing with Section 20920) of Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code is repealed.

SEC. 26. Article 6 (commencing with Section 20930) of Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code is repealed.

SEC. 27. Article 5 (commencing with Section 20930) is added to Chapter 7 of Part 3 of Division 5 of Title 2 of the Government Code, to read:

Article 5. Public Service

20930. "Public service" for purposes of this article means the following:

(a) Employment of the state or a contracting agency while not a member of this system, but after persons employed in the status of the member were eligible for membership in this system.

(b) Employment of the state or a contracting agency while the employee was excluded from membership because of 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.

(c) Employment of the state or a contracting agency while the employee was excluded from membership in an employment in which persons since have become eligible for membership and which is not creditable to the member under other provisions of this part.

(d) Employment in the State Emergency Relief Administration or the State Relief Administration subsequent to March, 1933, regardless of the source of the compensation paid for such employment.

(e) Employment as an academic employee of the University of California prior to 1963; provided, however, that any member electing to receive credit for such public service shall in addition to other contributions required by this article contribute an amount equal to the contributions which would have been made on his behalf by the state had he been in membership during such employment, assuming that the state rate of contribution in effect at the time of election had been in effect during such employment.

(f) Employment of the state in which the person was not eligible for membership in the system if such ineligibility was solely because his compensation was paid from other than state-controlled funds; provided, however, that time spent in work as a work relief recipient under programs such as, but not limited to, the Works Progress Administration, the Civil Works Administration, the Federal Emergency Relief Administration, the National Youth Administration, and the Civilian Conservation Corps, shall not constitute public service.

(g) Employment in a function formerly performed by a public agency other than a contracting agency and assumed by a contracting agency where the employees who performed such functions are or were transferred to or employed by such contracting agency without change in occupation or position.

(h) Time prior to November 8, 1967, during which a person performed court reporting duties in connection with civil court cases in the superior court for which he was compensated by fees paid by litigants other than the county, if the person is also credited with service as a court reporter in the superior court of the same county for which he received compensation on a per diem basis; provided, however, that such time shall not constitute public service with respect to any contracting agency or its employees unless the agency so elects by amendment to its contract.

(i) Time during which a member is excused from performance of his duties on approved leave for the purpose of service of up to two years with a university, college, local, state, fed-

eral or foreign governmental agency or nonprofit organization, if he returns to the employment from which the leave was granted; provided, however, that any member electing to receive credit for such public service shall in addition to contributions otherwise required by this article contribute an amount equal to the contribution that would have been made by his employer in respect to him had he not been absent, assuming that the employer rate of contribution in effect at the time of election had been in effect during the absence.

(j) Absence from state service because of illness which arose out of and in the course of employment and for which the member received temporary disability benefits under the Labor Code during such absence and did not receive full compensation, as distinguished from such disability benefits for the period of absence.

(k) Civilian service as an employee or officer of an agency of the government of the United States which performed functions the same as or substantially similar to those performed by this state prior to January 1, 1942, and which were transferred from the state to such agency, including military service in any branch of the armed forces of the United States performed by an individual on military leave of absence from such federal employment, if all the following conditions exist:

(1) Prior to performing such federal service he was employed by the state.

(2) He was laid off from state service or would have been so laid off if he had not been absent in military service because of the transfer of the functions of the state to an agency of the United States government.

(3) Subsequent to his layoff from state service he was employed by the United States government in an agency performing functions the same as or substantially similar to those of the state agency from which he was laid off.

(4) After his separation from federal service, he was employed by a state agency or

(5) In lieu of subparagraphs (1), (2), and (3), the United States government pays to the state or an agency of the state, funds equal to contributions which would have been made by the state had the member been in state service for the period of his public service with respect to members who were not employed by the state prior to entering such federal employment or whose state service prior to entering such federal employment was terminated for reasons other than the transfer of the function.

20931. A member may elect at any time prior to retirement, in accordance with regulations of the board, to receive credit for public service in addition to his current and prior service credit. An election shall be effective only if accompanied by a lump-sum payment of the contributions and interest required for such credit or by authorization for imme-

diate institution of payroll deduction of installment payment of such contributions and interest. The right of election is subject to Sections 20809 and 20861, and shall be ineffective with respect to any time or employment for which the member subsequently becomes entitled to or eligible to elect to receive service credit in another system supported in whole or in part from public funds, in which case accumulated contributions on deposit for such period of service credit shall be paid to the member.

20932. A member electing to receive credit for public service shall contribute in a lump sum or by installment payments over such period and subject to such minimum payments as may be prescribed by regulations of the board an amount equal to (a) the contributions he would have made to the system for the period for which current service credit is granted, assuming that the rate of contribution under his employer's formula at the rate age applicable to him at the beginning of his first subsequent period of service in membership and his compensation earnable on that date had applied to him during the period for which credit is granted, plus (b) such added contribution as may be specially required under this article as a condition for crediting particular public service, plus (c) the interest which would have accrued to such contributions if they had been deposited at the beginning date of his first subsequent period of service in membership, from that date until the date of completion of payments assuming that the annual interest rate in effect on date of election had been in effect throughout such period. The beginning date of the first subsequent period of service for purposes of computation of contribution and interest shall be deemed to be the end of the period of service credited for a member who has no subsequent return to service.

All contributions of a member under this article shall be considered to be and shall be administered as normal contributions.

20933. Public service shall be credited as current or prior service, or both, as it would be credited if the member had been in state service during his public service. Credit shall not be granted for public service which would be credited as prior service unless the member has contributed for all "public service" for which he is entitled to elect to receive credit as current service.

Benefits based on credited public service shall be computed according to the formula determining the member's contribution for such service credit. "Public service," as defined in subdivisions (a), (b), and (c) of Section 20930 to a member who at membership became subject to a reduced or modified retirement allowance formula because of coordination with the federal system shall be subject to such modified formula to the extent that the service was rendered to any contracting agency in which such modified formula applies after the ef-

fective date of coverage under the federal system of members in the employ of that agency.

20934. Benefits based on service credited under this article in excess of the portion paid from member contributions shall be paid, in case of credit for an absence, from contributions of the employer from whose employment the member was absent or from the contributions of the employer in whose employment the service was rendered or the right to receive the service credit for an employment constituting public service was acquired, whichever the case may be.

20935. Service credited on the effective date of this article or under a member's election received on or before such effective date, in addition to a member's current and prior service, under this part as it read on the day prior to the effective date of this article, shall be retained subject to the terms and conditions of the provision under which it was credited.

SEC. 28. Section 21253.1 of the Government Code is repealed.

SEC. 29. Section 21253.15 of the Government Code is repealed.

SEC. 30. This act shall become operative on the first day of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 1227

An act to amend Sections 20334, 20950.7, and 21264 of, to add Article 5 (commencing with Section 21150) to Chapter 8 of Part 3, of Division 5 of Title 2 of, and to repeal Article 5 (commencing with Section 21150) of Chapter 8 of Part 3 of Division 5 of Title 2 of the Government Code, and to amend Section 13592.1 of the Education Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 20334 of the Government Code is amended to read:

20334. An employee serving on a part-time basis is excluded from this system unless:

(a) He became a member prior to the time this part becomes effective and continues to be a member by reason of Section 20301;

(b) His employment is regular and continuous and in the opinion of the board will extend for more than one year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis;

(c) He is a member at the time he commences to serve on a part-time basis;

(d) He holds or is on retirement in this system after having held a state office having a term in excess of four years and a salary not less than three hundred dollars ($300) a month and elects to become a member of this system under Section 20360 or Section 20361; or

(e) He is a member of the California Women's Board of Terms and Parole and elects to become a member of this system under Section 20360.

SEC. 2. Section 20950.7 of the Government Code is amended to read:

20950.7. A law enforcement member shall be retired for service upon his written application to the board if he has attained age 50 and is entitled to be credited with 20 years of state service or the amount of his accumulated contributions standing to his credit exceeds five hundred dollars ($500).

SEC. 3. Article 5 (commencing with Section 21150) of Chapter 8 of Part 3. of Division 5 of Title 2 of the Government Code is repealed.

SEC. 4. Article 5 (commencing with Section 21150) is added to Chapter 8 of Part 3, of Division 5 of Title 2 of the Government Code. to read:

Article 5. Services After Retirement

21150. A person who has been retired under this system, for service or for disability. shall not be employed in any capacity thereafter by the state, the university, a school district or by a contracting agency unless he has first been reinstated from retirement pursuant to this chapter or unless such employment, without reinstatement, is authorized by this article. Any person employed in violation of this section and any public officer who knowingly employs or appoints him shall be jointly and severally liable to reimburse the state or the contracting agency, as the case may be, for any compensation paid in such employment. A retired person whose employment without reinstatement is authorized by this article shall acquire no service credit or retirement rights under this part with respect to such employment.

21151. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system,

(a) As a member of any nonsalaried board, commission or advisory committee, upon appointment by the Governor, director of a state department, or the governing board of the contracting agency; provided, however, that such appointment shall not be deemed employment within the meaning of Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of the Labor Code, and shall

not provide a basis for the payment of workmen's compensation to a retired state employee or to his dependents.

(b) As a school crossing guard upon employment by contracting agencies; provided, he is a retired local policeman or sheriff's deputy.

(c) As a juror or election officer.

(d) As an elective officer on and after September 15, 1961; provided, however, that all rights and immunities which may have accrued under Section 21158 as it read prior to that section's repeal during the 1969 Regular Session of the Legislature are hereby preserved.

(e) As an appointive member of the governing body of a contracting agency; provided the compensation for such office does not exceed one hundred dollars ($100) per month.

(f) Upon appointment by the Legislature, or either house, or a legislative committee to a position deemed by such appointing power to be temporary in nature.

21152. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided under this system upon approval of the State Board of Control, under employment by any state agency in which he previously served while a member of this system, where by reason of actual litigation, or a proceeding before the State Board of Control, or where such agency desires to perpetuate testimony in connection with any anticipated litigation involving the state, or such agency, and adverse interests, the services of such person are or may be necessary in preparing for trial or in testifying as to matters within or based upon his knowledge acquired while employed. He may be paid a per diem and actual and necessary traveling expenses, but he shall not be paid at a greater rate of compensation per diem than the rate ordinarily paid other persons by state agencies for similar services. However, there shall be deducted from such per diem compensation sums equal to the retirement annuity allocable to the days of actual employment hereunder.

21153. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system upon appointment by the appointing power of a state agency or any other employer either during an emergency to prevent stoppage of public business or because the retired employee has skills needed in performing specialized work of limited duration. Such appointments shall not exceed a total for all employers of 60 working days in any calendar year, and the rate of pay for such employment shall not be less than the minimum, nor exceed that paid by the employer to other employees performing comparable duties. Authority for employment granted by this section shall be in addition to and not in limitation of authority granted by other sections under this article.

21154. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided

by this system as a substitute in a position requiring certification qualifications, pursuant to Section 25558 or 25804 of the Education Code, 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 fiscal year.

21155. A retired person may serve without reinstatement from retirement or loss or interruption of benefits provided by this system 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 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. 5. Section 21264 of the Government Code is amended to read:

21264. Upon the death of a local safety member after the effective date of this section and after the effective date of his retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than service credited to him as a local safety member or any service rendered as an employee of the state or a contracting agency not subject to the provisions of this section or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving spouse. If there be no surviving spouse entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving spouse and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving spouse otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving spouse unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no spouse, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21264.

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.

This section applies to the surviving husband of a local safety member, but only if he was dependent upon her, as well as the surviving wife of a local safety member.

SEC. 6. Section 13592.1 of the Education Code is amended 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 Article 5 (commencing with Section 21150) of Chapter 8 of Part 3 of Division 5 of Title 2 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. 7. This act shall become operative on the first of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 1228

An act to add Article 4.5 (commencing with Section 21690.5) to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, relating to airport relocation and development.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Article 4.5 (commencing with Section 21690.5) is added to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 4.5. Airport Relocation and Development

21690.5. This article may be cited as the "California Legislature Airports, Airways and Airport Terminals Development and Relocation Act of 1969."

21690.6. The Legislature hereby finds that the state's airport and airway system is inadequate to meet current and projected growth in aviation and that substantial expansion

and improvement of the system is required to meet the demands of interstate and intrastate commerce, the postal service and the national defense. The Legislature finds that users of air transportation are capable of making a greater financial contribution to the expansion and improvement of the system through increased user fees. The Legislature finds, however, that such users should not be required to provide all of the funds necessary for future development of the system, and that revenues obtained from the general taxpayer will continue to be required to pay for the use of such facilities by the military and for the value to national defense and the general public benefit in having a safe, efficient airport and airway system available and fully operational in the event of war or national emergency. The Legislature also finds that the continued development and expansion of an adequate and up-to-date comprehensive state airport and airway system will require the acquisition of agricultural, residential, commercial, industrial and miscellaneous types of properties for the same; and that many persons and businesses will have to be relocated. The Legislature finds further that it is in the best interests of the people of the State of California to help all those persons forced to relocate when airport expansion and construction requires them to lose their businesses and homes. It is the purpose of this act to provide the means by which adequate compensation and immediate assistance will be provided for relocation and moving expenses and other costs involved in the necessary moving of a business or home to make way for airport expansion and development.

21690.7. (a) "Displaced person" means any individual, family, business or farm operation which moves from real property acquired for federal, state or local airport expansion and development.

(b) "Individual" means a person who is not a member of a family.

(c) "Family" means two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

(d) "Business" means any lawful activity conducted primarily for the purchase and resale, manufacture, processing or marketing of products, commodities, or other personal property, or for the sale of services to the public, or by a nonprofit corporation.

(e) "Farm operation" means any activity conducted primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such commodities or products in sufficient quantity to be capable of contributing materially to the operator's support.

(f) "Airport expansion and development" means the construction, alteration, improvement, or repair of airport hangars; airport passenger or freight terminal buildings and other buildings required for the administration of an airport; public

parking facilities for passenger automobiles; roads within the airport boundaries; and any acquisition of land adjacent to or in the immediate vicinity of a public airport, including any interest therein, or any easement through or any other interest in airspace, for the purpose of assuring that activities and operations conducted thereon will be compatible with normal airport operations.

(g) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property or any interest therein for airport expansion and development, except the Department of Public Works of this state.

21690.8. The payment of moving expenses shall be made to eligible persons in accordance with the provisions of this act and such rules and regulations as shall be adopted by the public entity.

21690.9. The public entity is authorized to adopt rules and regulations to implement the payment of moving expenses as authorized by this act. Such rules and regulations may include provisions authorizing payments to individuals and families of fixed amounts not to exceed two hundred dollars ($200) in lieu of their respective reasonable and necessary moving expenses.

21690.10. The public entity is authorized to give relocation advisory assistance to any individual, family, business or farm operation displaced because of the acquisition of real property for any state or federal airport project.

21690.11. In giving relocation advisory assistance, the public entity may establish a local relocation advisory assistance office to assist in obtaining replacement facilities for individuals, families and businesses affected by airport expansion or development.

21690.12. (a) As a part of the cost of construction the public entity may compensate a displaced person for his actual and reasonable expenses in moving himself, family, business or farm operation, including moving personal property.

(b) Any displaced person who moves from a dwelling may elect to receive in lieu of his actual and reasonable moving expenses a moving expense allowance, determined according to a schedule established by the public entity not to exceed two hundred dollars ($200), and in addition a dislocation allowance of one hundred dollars ($100).

(c) Any displaced person who moves or discontinues his business or farm operation may elect to receive in lieu of his actual and reasonable moving expenses a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars ($5,000), whichever is lesser. In the case of a business, no payment shall be made under this subdivision unless the public

entity is satisfied that the business cannot be relocated without a substantial loss of patronage, and is not a part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or similar business For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, and includes compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period. To be eligible for the payment authorized by this subdivision the business or farm operation must make its state income tax returns available and its financial statements and accounting records available for audit for confidential use to determine the payment authorized by this subdivision.

21690.13. In addition to the payments authorized by Section 21690.12, the public entity, as a part of the cost of construction, may make a payment to the owner of real property acquired for an airport project, which is improved with a single-, two- or three-family dwelling actually owned and operated by the owner for not less than one year prior to the first written offer for the acquisition of such property. Such payment shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the public entity, to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and place of employment and available on the market. Such payment shall be made only to the displaced owner who purchases a dwelling, that meets standards established by the public entity, within one year subsequent to the date on which he is required to move from the dwelling acquired for the project.

21690.14. In addition to the payment authorized by Section 21690 12, as a part of the cost of construction, the public entity may make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under Section 21690.13, which dwelling was actually and lawfully occupied by such individual or family for not less than 90 days prior to first written offer for the acquisition of such property. Such payment, not to exceed one thousand five hundred dollars ($1,500), shall be the additional amount which is necessary to enable such individual or family to lease or rent for a period not to exceed two years, or to make the downpayment on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

21690.15. Any displaced person aggrieved by a determination as to eligibility for a payment authorized by this act, or the amount of a payment, may have his application reviewed by the public entity. This review shall include the right to the appointment of an independent appraiser approved by the owner to review the amount of the award under Section 21690.13.

21690.16. The public entity is authorized to adopt rules and regulations relating to relocation assistance as may be necessary or desirable under state and federal laws and the rules and regulations promulgated thereunder. Such rules and regulations shall include provisions relating to:

(a) A moving expense allowance, as provided in Section 21690.12, subdivision (b), for a displaced person who moves from a dwelling, determined according to a schedule, not to exceed two hundred dollars ($200);

(b) The standards for decent, safe and sanitary dwellings;

(c) Procedure for an aggrieved displaced person to have his determination of eligibility or amount of payment reviewed by the public entity; and

(d) Eligibility for relocation assistance payments and the procedure for claiming such payments and the amounts thereof.

21690.17. No payment received by a displaced person under this act shall be considered as income for the purposes of the Personal Income Tax Law or the Bank and Corporation Tax Law, nor shall such payments be considered as income of resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code.

SEC. 2. Nothing contained in this act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the date of enactment of this act.

SEC. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the 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 1229

An act to amend Section 22654 of the Vehicle Code, relating to removal of vehicles.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 22654 of the Vehicle Code is amended to read:

22654. (a) Whenever any peace officer finds a vehicle standing upon a highway in violation of Sections 22500 and 22504, the officer may move the vehicle or require the driver or other person in charge of the vehicle to move the same to the nearest available position off the roadway or to the nearest parking location, or may remove and store the vehicle if moving it off the roadway at a parking location is impracticable.

(b) Whenever a peace officer finds a vehicle standing upon a street in violation of a traffic ordinance enacted by local authorities to prevent flooding of adjacent property, he may move the vehicle or require the driver or person in charge of the vehicle to move the same to the nearest available location in the vicinity where parking is permitted.

(c) Any state, county or city authority charged with the maintenance of any highway may move any vehicle which is disabled or abandoned or which constitutes an obstruction to traffic from the place where located on a highway to the nearest available position on the same highway as may be necessary to keep the highway open or safe for public travel.

(d) Any state, county or city authority charged with the maintenance or operation of any highway, highway facility or public works facility, in cases necessitating the prompt performance of any work on or service to such highway, highway facility or public works facility, may move to the nearest available location where parking is permitted, any unattended vehicle which obstructs or interferes with the performance of such work or service or may remove and store such a vehicle if moving it off the roadway to a location where parking is available would be impractical. If the vehicle is moved to another location where it is not readily visible from its former parked location or it is stored, the person causing such movement or storage of the vehicle shall immediately, by the most expeditious means, notify the owner of the vehicle of its location. If for any reason the vehicle owner cannot be so notified, the person causing the vehicle to be moved or stored shall immediately, by the most expeditious means, notify the police department of the city in which the vehicle was parked, or, if the vehicle had been parked in an unincorporated area of a county, notify the sheriff's department and nearest office of the California Highway Patrol in that county. No vehicle may be removed and stored pursuant to this subdivision unless signs indicating that no person shall stop, park, or leave standing any vehicle within the areas marked by the signs because such work or service would be done, were placed at least 24 hours prior to such movement or removal and storage.

CHAPTER 1230

An act to amend Section 220.2 of the Labor Code, relating to public employee fringe benefits.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 220.2 of the Labor Code is amended to read:

220.2. Contributions to vacation allowances, pension or retirement funds, sick leave, and health and welfare benefits on behalf of persons employed by any county, political subdivision, incorporated city or town or other municipal corporations may be made in the same manner and on the same basis as made by private employers.

Payments made by the employing agency to any such fund on behalf of any employee shall be in lieu of benefits such as vacation allowance, pension or retirement fund, sick leave, and health and welfare benefits which are now or may hereafter be granted directly by the employing agency in accordance with law.

This section shall only apply to nonpermanent laborers, workmen, and mechanics employed on an hourly or per diem basis.

The employing agency is empowered to determine the equitable application of this section to insure that the employees receive benefits comparable to, but not in excess of those provided in comparable private employment.

The employing agency shall make payments only to plans which meet the following standards:

1. A plan office is located within the State of California.

2. Any fund connected with the plan is required to be audited at least annually by an independent, licensed certified public accountant.

3. Each trustee or administrator of the fund or plan authorized to receive, handle, deal with or draw upon the assets of the fund or plan is required to be bonded.

CHAPTER 1231

An act to amend Sections 12401, 12402, 12403, 12420, 12423, 12424, 12426, and 12435 of, to add Sections 12403.1, 12403.2, and 13514 to, to add Article 5 (commencing with Section 12450) to Chapter 4 of Title 2 of Part 4 of, and to repeal Section 12400 of, the Penal Code, relating to tear gas weapons.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 12400 of the Penal Code is repealed.

SEC. 2. 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, any substance registered as an economic poison as provided in Chapter 2 (commencing with Section 12751) of Division 7 of the Agricultural Code provided that such substance is not intended to be used to produce discomfort or injury to human beings.

SEC. 3. Section 12402 of the Penal Code is amended to read:

12402. The term "tear gas weapon" as used in this chapter shall apply to and include:

(a) Any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

(b) Any revolvers, pistols, fountain pen guns, billies, or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

SEC. 4. Section 12403 of the Penal Code is amended to read:

12403. After January 1, 1969, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; Chief, Assistant Chief, or special agent of the Bureau of Criminal Identification and Investigation; Chief, Assistant Chief, or narcotics agent of the Bureau of Narcotics Enforcement; investigator designated by the Attorney General; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Mental Hygiene; warden, superintendent, supervisor, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; or officer or employee of an institution for delinquents of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

SEC. 4.5. Section 12403 of the Penal Code is amended to read:

12403. After January 1, 1969, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; Chief, Assistant Chief, or special agent of the Bureau of Criminal Identification and Investigation; Chief, Assistant Chief, or narcotics agent of the Bureau of Narcotics Enforcement; investigator designated by the Attorney General; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Mental Hygiene; warden, superintendent, supervisor, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

SEC. 5. Section 12403.1 is added to the Penal Code, to read:

12403.1. Nothing in this chapter shall prohibit any member of the military and naval forces of this state or of the United States from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of his duties.

SEC. 6. Section 12403.2 is added to the Penal Code, to read:

12403.2. Until January 1, 1971, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; member of the California Highway Patrol; warden, superintendent, supervisor, or guard of the Department of Corrections; or officer or employee of an institution for delinquents of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of his duties, if such person was authorized by this chapter to engage in such activities prior to the effective date of this section.

SEC. 6.5. Section 12403.2 is added to the Penal Code, to read:

12403.2. Until January 1, 1971, nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; member of the California Highway

Patrol; warden, superintendent, supervisor, or guard of the Department of Corrections; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of his duties, if such person was authorized by this chapter to engage in such activities prior to the effective date of this section.

SEC. 7. Section 12420 of the Penal Code is amended to read:

12420. Any person, firm, or corporation who within this state knowingly sells or offers for sale, possesses, or transports any tear gas weapon, except as permitted under the provisions of this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed two years or by a fine not to exceed two thousand dollars ($2,000), or by both.

SEC. 8. Section 12423 of the Penal Code is amended to read:

12423. The Chief of the Bureau of Criminal Identification and Investigation may issue a permit for the possession and transportation of tear gas weapons upon proof that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain, and operate a protective system involving the use of tear gas weapons in any place which is accurately and completely described in the application for the permit.

SEC. 9. Section 12424 of the Penal Code is amended to read:

12424. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which the tear gas weapons are to be transported, kept, installed, or maintained.

If the tear gas weapons are to be used in connection with, or to constitute, a protective system, the application shall also contain the name of the person who is to install the protective system.

Applications and permits shall be uniform throughout the state upon forms prescribed by the Bureau of Criminal Identification and Investigation.

SEC. 10. Section 12426 of the Penal Code is amended to read:

12426. Permits issued in accordance with this article may be revoked by the issuing authority at any time when it appears that the need for the possession or transportation of the tear gas weapons or protective system involving the use

thereof, has ceased, or that the holder of the permit has engaged in an unlawful business or occupation or has wrongfully made use of the tear gas weapons or the permit issued.

SEC. 11. Section 12435 of the Penal Code is amended to read:

12435. The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of tear gas weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture:

(a) The business shall be carried on only in the building designated in the license.

(b) The license or certified copy thereof shall be displayed on the premises in a place where it may easily be read.

(c) No tear gas weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of tear gas weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

(d) A complete record shall be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of tear gas weapons is displayed to the seller and the information required by this section is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the Chief of the Bureau of Criminal Identification and Investigation.

SEC. 12. Article 5 (commencing with Section 12450) is added to Chapter 4 of Title 2 of Part 4 of the Penal Code, to read:

Article 5. Certification of Acceptability

12450. No tear gas weapon shall be possessed, sold or transported in this state after January 1, 1971, unless, pursuant to the provisions of this article, the Chief of the Bureau of Criminal Identification and Investigation has certified that particular type and brand of weapon to be acceptable.

12451. The term "acceptable" as used in this article when referring to a tear gas weapon, means that such weapon is reasonably free from any undue hazard when used by, or upon a human being taking into consideration such factors as the following:

(a) The reasonable safety, availability, and effectiveness of other devices, including other tear gas weapons, capable of being used under the same circumstances and for the same purposes.

(b) The amount of hazard inherent in the use of the weapon when weighed against the amount of hazard inherent in the kinds of conduct the weapon is designed to control.

(c) The manner in which the weapon can be expected to be used as well as the manner in which the manufacturer or seller thereof has recommended that it be used.

12452. Any person engaged in the manufacture, sale, or transportation of tear gas weapons may apply to the Bureau of Criminal Identification and Investigation, hereinafter referred to as the "bureau" in this article, for certification that a particular type and brand of tear gas weapon manufactured, sold, or transported by that person is acceptable.

12453. Any application submitted pursuant to Section 12452 shall contain all of the following:

(a) Full reports of any investigation conducted by any public or private agency for the purpose of determining whether such weapon is acceptable.

(b) A full statement of the composition of each component of such weapon.

(c) A full statement of the methods used in, and the facilities and controls used for, the manufacture, processing and packing of such weapon.

(d) Such samples of such weapon and its components as the bureau may require.

(e) Specimens of the labeling, instructions, and advertisements used or proposed to be used for such weapon.

12454. Within 180 days after the filing of an application as provided for in Section 12452, or such additional period as may be agreed upon by the bureau and the applicant, the bureau shall either:

(a) Issue an order certifying such weapon as acceptable.

(b) Give the applicant notice for an opportunity for a hearing before the bureau on the question whether such weapon is acceptable. 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 60 days after receiving such request unless the bureau and the applicant otherwise agree. Such hearing shall be heard on an expedited basis and the bureau shall issue an order granting or denying certification within 90 days after the date fixed by the bureau for filing final briefs.

12455. The bureau shall issue an order refusing to certify a tear gas weapon as acceptable if after due notice to the applicant the bureau finds any of the following:

(a) That the weapon is not acceptable.

(b) That the application contains any misrepresentation of a material fact.

(c) That the application is materially incomplete.

(d) That the State Department of Public Health has recommended that the weapon is not acceptable.

12456. The bureau shall issue an order revoking certification if, after due notice to the applicant, the bureau finds any of the following:

(a) That experience or additional testing show that the weapon is not acceptable.

(b) That the application contains any misrepresentation of a material fact.

12457. The bureau may adopt and promulgate regulations for the fair and efficient enforcement of this article.

12458. Prior to certification, the chief of the bureau shall request from the State Department of Public Health a report on each type and brand of tear gas weapon submitted to it by the bureau. The department shall prepare and transmit such report to the bureau, and shall also submit supplemental reports whenever the facts warrant such action. Such reports shall be for the purpose of aiding the chief of the bureau in determining whether the particular type and brand of tear gas weapon is acceptable, shall contain such facts as will enable him to make such a determination, shall state conclusions concerning the health hazards, if any, of the weapon tested and a recommendation as to the acceptability of the weapon, and shall be based on any one or more of the following:

(a) Investigations conducted by the department's own facilities.

(b) Investigations conducted by independent laboratories.

(c) Any other investigations approved by the department.

The applicant shall reimburse the State Department of Public Health for any actual expenses incurred by the department in preparing such reports.

SEC. 13. Section 13514 is added to the Penal Code, to read:

13514. The commission shall prepare a course of instruction for the training of peace officers in the use of tear gas. Such course of instruction may be given, upon approval by the commission, by any agency or institution engaged in the training or instruction of peace officers.

SEC. 14. This act may be cited as the Tear Gas Act of 1969.

SEC. 15. Section 4.5 of this act shall become operative only if Senate Bill No. 1040 is enacted at the 1969 Regular Session of the Legislature, and, in such case, at the same time as Senate Bill No. 1040 takes effect; at which time, Section 12403 of the Penal Code, as amended by Section 4 of this act, is repealed.

SEC. 16. Section 6.5 of this act shall become operative only if Senate Bill No. 1040 is enacted at the 1969 Regular Session of the Legislature, and, in such case, at the same time as Senate Bill No. 1040 takes effect; at which time, Section 12403.2 of the Penal Code, as added by Section 6 of this act, is repealed.

CHAPTER 1232

An act relating to the San Francisco Bay Delta Study.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. The State Water Resources Control Board shall have authority to continue activities or make further studies of the type necessary to develop and expand the plan for a water quality control system as contained in the report submitted to the Legislature by the board pursuant to Chapter 1351, Statutes of 1965.

SEC. 2. The board shall recommend to the Legislature alternate methods for implementing the water quality control system not later than the fifth legislative day of the 1971 legislative session.

SEC. 3. The Legislature finds that it does not appear that a governmental entity will be created by the 1969 Legislature to implement the report submitted to the Legislature pursuant to Chapter 1351, Statutes of 1965. Therefore, in order to continue this planning effort on an interim basis until such time as a single or multipurpose entity or entities be established to plan, finance, construct and operate a comprehensive water pollution control plan for the study area, it is necessary for the Legislature to authorize continuation of activities and studies by the State Water Resources Control Board.

CHAPTER 1233

An act to amend Sections 9902, 9902.5, 9902.6, 9927, 9950, 9977, 9984, 9985, and 9997 of and to add Section 9902.7 to, the Business and Professions Code, relating to employment agencies.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 9902 of the Business and Professions Code is amended to read:

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, and has no applicant paid liquidated damage clause. 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.

SEC. 2. Section 9902.5 of the Business and Professions Code is amended to read:

9902.5. As used in this chapter, "employment agency" or "agency" does not include a nursing school, business school, or vocational school, except that if such a school charges a fee for placement the school shall be an employment agency within the meaning of this chapter.

SEC. 3. Section 9902.6 of the Business and Professions Code is amended to read:

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 registration 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.

(c) In no instance does the person engaged in management consulting advertise positions for which the compensation is at the rate of less than fifteen thousand dollars ($15,000) per year, or that any of the fees mentioned in subdivision (b) are charged by such person.

SEC. 3.5. Section 9902.7 is added to the Business and Professions Code, to read:

9902.7. The provisions of this chapter shall not apply to any person licensed as a certified public accountant pursuant to Chapter 1 (commencing with Section 5000) of Division 3 so long as he is engaged in the practice of public accounting.

SEC. 4. Section 9927 of the Business and Professions Code is amended to read:

9927. Four members of the board shall be representatives of the employment agency industry each of whom shall be active in an employment agency and be a proprietor, partner, or corporate officer thereof, or a qualified examinee, and shall have held a valid, current California employment agency license for five consecutive years immediately preceding the appointment, and three shall be public members.

SEC. 5. Section 9950 of the Business and Professions Code is amended to read:

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.

In the case of a corporation or partnership, a license shall be valid only as long as the person or persons qualifying for the license are active and bona fide shareholders in the corporation, or partners in the case of a partnership. If the person or persons qualifying for the license cease for any reason whatsoever

to be connected with the corporation or partnership, such corporation or partnership shall have 90 days to qualify a person for such license, and if it fails to do so such license shall after notice and hearing be suspended until such time as a person qualifies for such license. A corporation or partnership whose license is suspended pursuant to this section shall not carry on the business of an employment agency during the period of such suspension.

SEC. 6. Section 9977 of the Business and Professions Code is amended to read:

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, except in the fee schedules of those agencies which are exclusively employer retained and which charge no fees to applicants.

SEC. 7. Section 9984 of the Business and Professions Code is amended to read:

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.

(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.

(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.

SEC. 8. Section 9985 of the Business and Professions Code is amended to read:

9985. (a) 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 on November 8, 1967, shall continue in effect until changed or superseded by the bureau.

(b) The bureau may approve any contract or agreement between an employment agency and an employer of domestic help. Those contracts in existence at the time this subdivision becomes effective shall continue in effect until changed or superseded by the bureau.

SEC. 9. Section 9997 of the Business and Professions Code is amended to read:

9997. The bureau, subject to the approval of the director, shall charge the following fees:

(a) A filing fee which shall be set by the bureau at not more than fifty dollars ($50) for each new application for license.

(b) A filing fee which shall be set by the bureau at not more than one hundred dollars ($100) for each new application for a branch office license.

(c) A filing fee which shall be set by the bureau at not more than fifty dollars ($50) for application for examination or reexamination.

(d) A filing fee which shall be set by the bureau at not more than fifty dollars ($50) for application to transfer or assign a license.

(e) An annual license fee which shall be set by the bureau at not more than two hundred dollars ($200) for an employment agency license, except that the annual license fee for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be set by the bureau at not more than seventy-five dollars ($75).

(f) An annual license fee which shall be set by the bureau at not more than one hundred dollars ($100) for license of each branch office, except that the annual license fee for each branch office license for an employment agency engaged exclusively in the business of procuring babysitting employment for others shall be set by the bureau at not more than thirty-eight dollars ($38).

(g) An interim employment agency license fee which shall be set by the bureau at not more than one hundred dollars ($100).

(h) A reinstatement fee of two hundred dollars ($200), in addition to the current renewal fee, to reinstate a license revoked or suspended.

No fees shall be prorated for the unexpired portion of the license year.

The fees shall be set by the bureau within the limits prescribed by this section in such amounts as it determines will be reasonably necessary to provide only sufficient revenue for the administration and enforcement of this chapter.

CHAPTER 1234

An act to amend Section 16750 of the Business and Professions Code, relating to restraint of trade, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 16750 of the Business and Professions Code is amended to read:

16750. (a) Any person who is injured in his business or property by reason of anything forbidden or declared unlawful by this chapter, may sue therefor in any court having jurisdiction in the county where the defendant resides or is found, or any agent resides or is found, or where service may be obtained, without respect to the amount in controversy, and to recover three times the damages sustained by him, and shall be awarded a reasonable attorneys' fee together with the costs of the suit.

The amendments to this section adopted at the 1959 Regular Session of the Legislature do not apply to any action commenced prior to September 18, 1959.

(b) The state and any of its political subdivisions and public agencies shall be deemed a person within the meaning of this section.

(c) The Attorney General may bring an action on behalf of the state or of any of its political subdivisions or public agencies to recover the damages provided for by this section, or by any comparable provision of federal law, provided that the Attorney General shall notify in writing any political subdivision or public agency of his intention to bring any such action on its behalf, and at any time within 30 days thereafter, such political subdivision or public agency may, by formal resolution of its governing body or as otherwise specifically

provided by applicable law, withdraw the authority of the Attorney General to bring the intended action. In any action brought pursuant to this section on behalf of any political subdivision or public agency of the state, the state shall retain for deposit in the General Fund of the State Treasury, out of the proceeds, if any, resulting from such action, an amount equal to the expense incurred by the Attorney General in the investigation and prosecution of such action.

(d) In any action brought by the Attorney General pursuant to either state or federal antitrust laws for the recovery of damages by the state or any of its political subdivisions or public agencies, in addition to his other powers and authority, the Attorney General may enter into contracts relating to the investigation and the prosecution of such action with any other party plaintiff who has brought a similar action for the recovery of damages and with whom the Attorney General finds it advantageous to act jointly, or to share common expenses or to cooperate in any manner relative to such action. In any such action, notwithstanding the provisions of Section 12520 of the Government Code, the Attorney General may undertake, among other things, either to render legal services as special counsel to, or to obtain the legal services of special counsel from any department or agency of the United States, of this state or any other state or any department or agency thereof, any county, city, public corporation or public district of this state or of any other state, that has brought or intends to bring a similar action for the recovery of damages, or their duly authorized legal representatives in such action. The Attorney General may also enter into any agreement authorized by Chapter 5 (commencing with Section 6500) Division 7, Title 1 of the Government Code with any governmental entity enumerated in this subdivision, notwithstanding any provision to the contrary contained in Section 6500 of the Government Code. Every contract or agreement entered into pursuant to this subdivision (d) shall be approved by the Department of General Services.

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:

There are presently pending several major actions for the recovery of damages suffered by the state, its political subdivisions and public agencies from violations of the antitrust laws. Similar actions arising from the same circumstances have also been brought by numerous other states and their local agencies. Procedural schedules for the conduct of these actions require that these amendments to Section 16750 of the Business and Professions Code become immediately effective if the state and its agencies of local government are to realize the substantial economies and benefits that they provide.

CHAPTER 1235

An act to authorize a grant pursuant to the Davis-Grunsky Act to the County of Kern in connection with the Buena Vista Aquatic Recreation Area Project.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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 County of Kern, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), in 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 five million six hundred twenty thousand dollars ($5,620,000), for enhancement of fish and wildlife and recreation in connection with the construction of the Buena Vista Aquatic Recreation Area Project.

No further legislative approval shall be required with respect to the grant authorized to be made to the county by this act, but such grant shall not be made to the county until the county demonstrates the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, that the project is in substantial conformance with the California Water Plan, and the engineering feasibility, economic justification, and financial feasibility of the project.

SEC. 2. The provision of Section 12884 of the Water Code that the legislative approval of a grant shall be made by an act enacted after the receipt by the Legislature of copies of the project report filed pursuant to Section 12882.4 of the Water Code shall not be applicable to the grant authorized pursuant to this act, but such grant shall not be made to the county until copies of a favorable project report are filed with the Legislature pursuant to Section 12882.4 of the Water Code. The approval of this grant prior to the receipt by the Legislature of copies of the project report pursuant to Section 12882.4 of the Water Code shall in no way be deemed to set a precedent for the approval of any other grant prior to the receipt of such report as required pursuant to Section 12884 of the Water Code.

SEC. 3. The maximum amount authorized under Section 1 of this act shall be in addition to any grant made to the county pursuant to subdivision (c) of Section 12884.2 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 1236

An act to create the Tuolumne County Water Agency, prescribing its powers and duties, providing for its organization, operation, and management, and authorizing the acquisition of property and works to carry out the purposes of the agency, authorizing the incurrence of indebtedness, providing for issuance of bonds, providing for the levy and collection of taxes for the payment of such indebtedness, providing for the issuing of bonds payable solely from revenues of the agency, providing for the levy and collection of taxes for the payment of general agency expenses and for cooperation and contracts with any entity.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. This act may be designated and referred to as the Tuolumne County Water Agency Act, and any reference thereto by such designation shall be sufficient for all purposes.

SEC. 2. A district is hereby created to be called the Tuolumne County Water Agency. The agency shall consist of all the territory lying within the exterior boundaries of the County of Tuolumne.

SEC. 2.5. Before the agency may begin to transact business or exercise its powers, the Board of Supervisors of the County of Tuolumne shall adopt a resolution declaring that there is need for the agency to function. Before adopting such resolution the board of supervisors shall hold two public hearings within the County of Tuolumne on the subject of such resolution. Notice of the time and place of the hearings shall be published pursuant to Section 6066 of the Government Code in a newspaper of general circulation published within the county. From and after the date of the adoption of the resolution the agency shall begin to function and may exercise its powers.

SEC. 3. As used in this act, the following words shall have the following respective meanings unless the context indicates otherwise:

(a) "Agency" is the Tuolumne County Water Agency.

(b) "County" is the County of Tuolumne of the State of California.

(c) "United States" is the United States of America including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the United States of America.

(d) "State" means the State of California including any one or more of the bureaus, commissions, divisions, departments, boards, agencies, and officers of the State of California.

(e) "Work" or "works" includes dams and damsites, reservoirs and reservoir sites, and all conduits and other facil-

ities useful in the control, conservation, diversion and transmission of water, power generation and transmission facilities, and all land, property, franchises, easements, rights-of-way and privileges necessary or useful to operate or maintain any of the foregoing.

(f) "District" means any of the following lying within or partially within the agency; irrigation districts, county water districts, water conservation districts, water districts, municipalities, town, flood control districts, and any other districts or political subdivisions of the state empowered by law to appropriate water and deliver water to water users.

(g) "Member unit" means any district which enters into a contract with the agency on a particular project for:

(i) The repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States, of any or all the construction costs of any works constructed by or on behalf of the agency for such district, or for

(ii) The underwriting in whole or in part of any or all of such construction costs, or for

(iii) The repayment in whole or in part to the agency or any other person, corporation, public district, State of California or any political subdivision thereof, or the United States of any or all of the cost of furnishing water or a water supply to the agency or such district or the underwriting in whole or in part of such cost, or for

(iv) The payment in whole or in part for water to be furnished or sold to such district by the agency or the United States.

(h) "Elector" or "qualified elector" or "voter" or "qualified voter" means any elector of the county qualified under the laws of the State of California to vote in the county at general elections.

(i) "May" is permissive and "shall" is mandatory.

(j) "Board" means the board of directors of the agency.

(k) "Project" means any undertaking by the agency which involves any expenditure of funds by any district except the agency.

SEC. 4. The Tuolumne County Water Agency is hereby declared to be and is a body politic and corporate, and as such shall have, among others, the powers enumerated in this act and such other powers as the law may provide. The powers of the agency shall, except as otherwise provided, be exercised by the board of directors thereof.

SEC. 5. The agency shall have perpetual succession.

SEC. 6. The agency shall have the power to adopt a seal and alter it at its pleasure.

SEC. 7. The agency shall have the power to sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts, commissions, board and tribunals of competent jurisdiction.

SEC. 8. The agency shall have the power of eminent domain to acquire within the agency by condemnation in the manner and to the extent prescribed in Article I, Section 14 of the Constitution of the State of California and Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure all property or interest therein necessary for carrying out the powers and purposes of the agency, except that the agency shall not have the 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 of California in the manner prescribed by law. In lieu of compensation and damages for the taking or damaging of any public utility facility which must be replaced by the public utility to provide service to the public equivalent to that provided by the facility taken or damaged, the agency shall pay to the public utility owning such facility its actual cost incurred to replace in kind the facility so taken or damaged, less proper deductions for depreciation, together with its actual cost incurred to rearrange or rehabilitate the facilities of such public utility not taken or damaged but required to be rearranged or rehabilitated by reason of such taking or damaging.

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 by resolution shall determine is necessary for carrying out the purposes of the agency. Such resolution shall be prima facie evidence that the taking of such private property, to the extent stated in said resolution, is necessary for carrying out the purposes of the agency.

SEC. 9. The agency shall have the power to take absolutely or on condition, by grant, purchase, gift, devise, or lease, with or without the privilege of purchasing, or otherwise, real and personal property of any kind, or any interest in real or personal property, within or without the agency, necessary to the full exercise of its powers, and to hold, use, enjoy, and to lease or dispose of the same subject to the limitations set forth in Section 39.

SEC. 10. The agency shall have the power to make contracts, employ labor and to do all acts necessary for the full exercise of its purposes and powers. The board may cause construction or other work to be performed or carried out by contracts or by the agency under its own superintendence.

SEC. 11. The agency shall have the power as limited in this act to do any and every lawful act necessary in order that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the agency, including, but not limited to, irrigation, domestic, fire

protection, municipal, commercial, industrial, recreational, and all other beneficial uses and purposes.

SEC. 12. The agency shall have the power to construct, operate and maintain works to develop hydroelectric energy as a means of assisting in financing the construction, operation and maintenance of its projects for the control, conservation, diversion and transmission of water and to enter into contracts for the sale of such energy for a term not to exceed 50 years. Such energy may be marketed only at wholesale rates to any public agency or private entity engaged in the sale or use of electric energy, or the federal or state government.

SEC. 13. The agency shall have the power to control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and floodwaters flow into the agency, and to conserve such waters for beneficial and useful purposes of said agency by spreading, storing, retaining and causing to percolate into the soil within or without said agency, 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, public highways, life and property in said agency, and the watercourses outside of the agency of streams flowing into the agency.

SEC. 14. The agency shall have the power to store water in surface or underground reservoirs within or outside of the agency for the common benefit of the agency; to conserve and reclaim water for present and future use within the agency; to appropriate and acquire water and water rights, and import water into the agency and to conserve and utilize, within or outside of the agency, water for any purpose useful to the agency; to commence, maintain, intervene in, defend or compromise, in the name of the agency in behalf of the landowners therein, 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 agency, used or useful for any purpose of the agency 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 agency or of common benefit to the lands within the agency or to its inhabitants; to prevent unlawful exportation of water from said agency; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said agency, and to commence, maintain and defend actions and proceedings to prevent any such interference with such waters as may en-

danger or damage the inhabitants, lands, or use of water in, or flowing into, the agency; except that the agency shall have no 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 interests of the agency.

SEC. 15. The agency shall have the power within or outside the agency to construct, purchase, lease, or otherwise acquire works and to purchase, lease, appropriate or otherwise acquire water and water rights, useful or necessary to make use of water for any purposes authorized by this act.

SEC 16. The agency shall have the power to operate, repair, improve, maintain, renew, replace and extend all works and property of the agency.

SEC. 17. The agency shall have the power to carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said agency relating to watercourses or streams flowing in or into said agency. The agency may cooperate with any district in carrying out the powers granted by this section.

SEC. 18. The agency shall have the power to construct its pipes, pipelines, flumes and tunnels and other conduits, including facilities for the transmission of electric energy to the works of the agency, along, under or across any public road, street, alley, avenue, highway or sidewalk, or across any stream of water, watercourse, railway, canal, ditch, or flume which the route of said pipes, pipelines, canals, flumes, tunnels, or other conduits may intersect or cross, except that such works shall be constructed in compliance with any applicable laws and in such manner as to afford security for life and property and the agency shall restore at its own expense any such crossings and intersections to their former state as nearly as may be, or to an extent which does not unnecessarily impair their usefulness. Every company, municipality, or district whose right-of-way shall be intersected or crossed by said pipes, pipelines, canals, flumes, tunnels or other conduits shall unite with the agency in forming said intersections and crossings and grant the rights therefor.

SEC. 19. There is hereby granted to the agency the right-of-way for the location, construction, and maintenance of works authorized under the provisions of this act in, over and across public lands of the State of California, not otherwise disposed of or in use, but not in any case exceeding an area which is necessary for the construction of such works and adjuncts or for the protection thereof. Whenever any selection of a right-of-way for such works or adjuncts thereto is made by the agency, the board shall transmit to the State Lands Commission, the Controller of the state and the recorder of the county in which the selected lands are situated, a plat of

the lands selected, giving the extent thereof and the uses for which the same is claimed or desired, verified by the board. If the State Lands Commission approves the selection so made it shall endorse its approval upon the plat and issue to the agency a permit to use such right-of-way and lands.

SEC. 20. (a) If by any judgment in condemnation or agreement the agency is required to relocate any street, road, highway, railroad, canal or other property subject or devoted to public use, the board may acquire in the name of the agency, by agreement or condemnation, all rights-of-way and other property necessary or proper for compliance with such agreement or judgment of condemnation and thereafter to make such conveyance of the relocated street, road, highway, railroad, canal, or other property as may be proper to comply with the agreement or judgment. All agreements for the exchange of property and all judgments requiring relocation of other public uses, as specified in this section and in Section 8 of this act, shall provide that in making the exchange the property condemned and exchanged shall be limited to public use by the party with whom such exchange is made.

(b) In the event the agency and any common carrier railroad or other public utility fail to agree as to the character or location of new improvements or works sought to be performed by the agency, the character and location of such new improvements or works and any other controversy relating thereto shall be submitted to and determined by the Public Utilities Commission.

(c) Proceedings under this section relating to the jurisdiction of said commission may be instituted, maintained and determined in the manner prescribed in Chapter 6 (commencing with Section 1201) of Part 1 of Division 1 of the Public Utilities Code.

SEC. 21. The agency may reimburse the county for any funds expended by the county in investigations, elections, or other acts incidental to the establishment of the agency.

SEC. 22. Incidental to the construction and operation of the works of the agency, the agency shall have the power to contract for the sale of the right to use falling water for power purposes with any public or private entity.

SEC. 23. Any water or rights to the use of the works of the agency for the conservation, control or transportation of water may be sold, leased or otherwise transferred by the agency to member units, and the agency may fix and collect rates and charges for such purposes. The agency may transfer such water or the use of agency works to other than member units for use in or outside the agency upon a temporary or short-term basis, upon a finding by the board that such water or works exceed the needs of member units. The provisions of this section shall not prevent the disposition of electric power or power facilities to other than member units at wholesale. Each contract for or sale of surplus water or the use of such

water facilities shall expressly state that the sale or disposition is subject to the prior right to the use of such water or facilities by or for member units.

SEC. 24. The agency may enter into contracts with any member unit or with any district which becomes a member unit of the agency for any of the following purposes:

(a) The lease, purchase, or other acquisition by the agency of any of the works of such member unit or district.

(b) The construction of works by the agency for the conservation, regulation or transmission of water for the benefit of such member unit or district; or for the furnishing or sale by the agency or the State of California or the United States to such member unit or by such member unit to the agency of water or a water supply for any purpose; or for the assumption, by either the agency or the member unit, as principal or guarantor or underwriter of indebtedness incurred on account of works or water furnished or sold to the agency or member unit.

(c) The sale, lease, or other disposition of water, water rights, and water storage facilities or interests therein, by the agency or by such member unit.

(d) The operation of works and the delivery of water by the agency or by such member unit, except that:

(1) The works shall be operated in conformity with the vested rights and appropriations of each of its member units having an interest therein.

(2) There shall be delivered to each member unit all water to which such member unit is entitled under the contract entered into by the agency and such member unit.

(3) There shall not be delivered to any member unit more water than the amount to which such member unit is entitled under the contract entered into by the agency and such member unit, except that the release of water from any reservoir in the amount required to satisfy any vested right shall not constitute a delivery of water, and any amount of water assigned under Section 28 by one member unit to another member unit shall be delivered to the latter.

SEC. 25. The agency in its discretion may suspend delivery of water conserved by the agency or obtained by or on behalf of the agency or a member unit to any member unit during the period which said member unit is delinquent in its payment for or obligations due in respect to such water under any contract entered into by it with the agency. The agency shall not engage in the retail sale of water; that is, the sale of water to the ultimate consumer.

SEC. 26. The liability of each member unit, as distinguished from the liability of its taxpayers and property therein for taxes levied by the agency for agency purposes, shall be limited to that portion of the total cost for water or water supply or to that portion of the total cost of construction and the operation and maintenance cost of the works

acquired or constructed by or on behalf of the agency or member unit which such member unit agrees to bear.

The liability of each member unit shall be set forth fully in a written contract which shall be legally approved by the member unit in accordance with the laws governing such member unit. No contract shall be altered or modified without the consent of the agency and the legal approval of the member unit.

Each contract may provide, among other things:

(a) The total capital obligation which the member unit agrees to bear.

(b) The minimum annual payments which the member unit shall make in amortization of its capital obligation.

(c) The amount or pro rata portion of water which shall be delivered to or held in storage for the member unit.

(d) The basis of allocation of operation and maintenance costs to be borne by the member unit.

(e) The amount or other measure of water supply or water agreed to be acquired by or furnished or sold to such member unit and the cost thereof to such member unit. Such contracts shall be fair and equitable to each contracting party, and no member unit shall receive any undue advantage over any other member unit, having proper regard for all factors and conditions involved.

Such contracts shall be executed in accordance with the laws governing such districts.

SEC. 27. (a) In the event of any reduction in the principal of any debt of the agency underwritten by one or more member units, other than by payment thereof, the amounts to be paid to the agency by each member unit in amortization of its remaining portion of such debt shall be reduced proportionately so that the relative obligations of each such member unit shall be unchanged

(b) In the event of any reduction in the rate of interest being paid on any part of a debt of the agency for which one or more member units are responsible, the amounts to be paid the agency by each such member unit shall be reduced proportionately so that the relative obligation of each such member unit remains unchanged in respect to its obligation to pay any remaining interest.

(c) In determining the amounts to be paid by all member units for water there shall be deducted from the cost of construction and operation or project works all revenues to be obtained from the sale of electric energy, if any, developed and sold by means of the project works.

SEC. 28. Any member unit may reduce its obligations under its contract with the agency by assignment to and acceptance by another member unit of any part of its right to receive water under its contract except that the assignment shall be legally approved, in accordance with the laws governing such member unit, by each member unit which is a

party to the assignment, the total of all payments to be made by such member units to the agency shall not be reduced by virtue of the assignment and the assignor member unit may be required by the agency to guarantee the payments assumed by the assignee member unit.

SEC. 29. If any capital asset of the agency is sold or otherwise disposed of, the net proceeds therefrom shall be distributed to the member units, or applied against any liability of the member units to the agency in proportion to the amount contributed by each member unit to the cost of the capital asset. However, if any liability on the part of the agency or its member units for the original cost or any subsequent improvement or refinancing of such capital asset is not completely extinguished at or before the time of the sale or disposal thereof, the agency may apply as much of the proceeds of the sale as are necessary to extinguish the liability. In extinguishing such liability, the proceeds of the sale shall be applied only as the interests and liabilities of the agency and its member units shall appear.

SEC 30. The agency shall have the power to cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation and maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the agency, and for said purposes the agency shall have, in addition to the powers set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 (commencing with Section 23175) of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

SEC. 31. All money collected in pursuance of contract with the United States shall be paid into the county treasury to the credit of the agency and shall be held in a fund to be known as the "United States contract fund" to be used for payments due to the United States under the contract.

SEC. 32. The agency may cooperate and act in conjunction and contract with the United States, State of California, any municipality, district, public or private corporation, or any person; in the purchase and sale of water, in the acquisition of water or a water supply, in the construction of any works for the controlling of flood or storm waters in the agency, or for the protection of property, watersheds, watercourses, highways and life, or for the purpose of conserving and transporting said waters for beneficial uses and purposes, including recreational uses and the generation of electric energy, and for the use, operation and management and owner-

ship of such works. The agency also may make and perform any agreement with the United States, the state, any county, municipality, district, public or private corporation, or any person for the joint acquisition, disposition, operation or management of any property, works, water or water supply of a kind which might be acquired, disposed of, or operated by the agency.

Any irrigation district, California water district, public utility district, municipal utility district, county water district, water conservation district, municipality, flood control district, and any other district or political subdivision of the state empowered by law to appropriate water and deliver water to users may:

(a) Cooperate, act in conjunction with and enter into contracts with the agency for all the purposes for which the agency is empowered to cooperate or act in conjunction and contract with such districts, municipalities, and political subdivisions.

(b) Carry out the terms of such contracts.

SEC. 33. The board of supervisors of the county shall be ex officio the board of directors of the agency. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

SEC. 34. No director of the agency shall be interested in any manner, directly or indirectly, in any contract awarded or to be awarded by the board of directors, or in the profits to be derived therefrom. A violation of this section is a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail of the County of Tuolumne for not exceeding six months, or by both such fine and imprisonment, and such conviction shall by operation of law work a forfeiture of office. This section shall not apply to a contract made with a corporation of which a director is a minority stockholder if the contract is for the general benefit of the corporation.

SEC. 35. All officers of the county, and their assistants, deputies, clerks and employees, shall be ex officio officers,

assistants, deputies, clerks and employees respectively of the agency, and shall perform, unless otherwise provided by the board, the same duties for the agency as performed for the county; except that if the county surveyor is a registered civil engineer and is employed to supervise the engineering work of the agency, the board may provide compensation for his services in addition to his salary as county surveyor which shall be payable from the funds of the agency.

SEC. 36 The board may employ agents, superintendents, engineers, attorneys, and employees necessary to carry out the provisions of this act.

The board may appoint a secretary and such other officers, agents and employees for the board or agency as in its judgment may be deemed necessary, prescribe their duties and fix their compensation, such officers, agents and employees so appointed shall hold their respective offices or positions during the pleasure of the board.

SEC 37. All ordinances, resolutions and other legislative acts of the agency shall be adopted by the board, and certified to, recorded and published in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts of the county.

The initiative and referendum powers are hereby granted to the electors of the agency to be exercised in relation to the enactment or rejection of agency ordinances in accordance with the procedure established by the laws of this state for the exercise of such powers in relation to counties.

SEC. 38. Claims for money or damages against the agency 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. Claims not governed thereby or by other statutes or by ordinances or regulations authorized by law and expressly applicable to such claims shall be prepared and presented to the governing body, and all claims shall be audited and paid, in the same manner and with the same effect as are similar claims against the county.

SEC. 39. The legal title to all property acquired under the provisions of this act shall be in the agency and shall be held for the uses and purposes of this act. The board may hold, use, acquire, manage, occupy and possess such property and, after declaring by resolution entered in the minutes that any real or personal property held by the agency is no longer necessary, may sell or otherwise dispose of such property, or lease the same, in the manner provided by law for the disposition and sale of property by counties.

SEC. 40. Any improvement or unit of work, when the cost according to the estimate of the engineer will exceed five thousand dollars ($5,000), shall be done by contract and let to the lowest responsible bidder or bidders as provided in this section.

The board shall first determine whether the contract shall be let as a single unit for the whole of the work, or divided into severable convenient parts. The board shall advertise for bids by three (3) insertions in a daily newspaper of general circulation or by two (2) insertions in a weekly newspaper of general circulation printed and published in the agency, inviting sealed proposals for the construction or performance of the improvement or work. The call for bids shall state whether the work shall be performed in one unit or divided into parts. The work may be let under a single contract or several contracts, as stated in such call. The board shall require the successful bidders 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 payment of their claims for labor and material. The bonds shall comply with Chapter 3, commencing at Section 4200, of Division 5 of Title 1 of the Government Code. The board may reject any and all bids and readvertise, or, by a two-thirds vote, may elect to undertake such work by force account. In the event no proposals are received, or the estimated cost of the work does not exceed five thousand dollars ($5,000), or the work consists of channel protection, maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may have the work done by force account without advertising for bids. The district may purchase in the open market without advertising for bids, materials and supplies for use in any work, either under contract or by force account.

SEC. 41. The agency shall not incur any indebtedness or liability exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable. This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States, nor the incurring of any indebtedness or liability authorized by a vote of the electors of the agency at an election held for such purpose.

SEC. 42. The aggregate of agency indebtedness incurred pursuant to the provisions of this act authorizing the issuance of bonds, the levying of special assessments and the execution of contracts, shall not exceed a sum equal to: (a) the amount of all capital obligations underwritten by member units of the agency, plus (b) the amounts agreed to be paid by member units to the agency or to the United States for water or a water supply.

SEC. 43. The agency shall have the power in any year to levy an ad valorem tax upon all the taxable property in the agency to pay any anticipated lawful expenditures of the agency except the cost of constructing any works; provided,

however, that such levy for any one fiscal year shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency exclusive of any tax levied to meet the bonded indebtedness of the agency and the interest thereon authorized by a vote of the electors of the agency, and exclusive of any special assessment levied to meet any indebtedness or contractual liability authorized by a vote of the electors of the agency, and exclusive of any tax levied for the payment of any indebtedness represented by capital obligations underwritten by member units or represented by the amounts agreed to be paid by member units for any water or water supply to be furnished or sold such member units.

Such taxes shall be levied and collected with taxes for county purposes, and the revenue derived therefrom shall be paid into the county treasury to the credit of the agency, and the board shall have the power to control and order the expenditure thereof for said purposes.

SEC. 44. The agency may levy a special ad valorem tax on all the taxable property in any member unit whenever any such member unit is delinquent in any payment due the agency under a contract. The tax shall be levied only at a rate sufficient to raise the amount delinquent. The tax shall be levied and collected at the same time and in the same manner as general agency taxes, shall be paid into the county treasury to the account of the agency and shall be used only to reduce the liability of the delinquent member unit.

No property in any portion of the agency, other than that in the delinquent member unit, shall be liable for or taxed to pay such delinquency.

SEC. 45. The provisions of law of this state, prescribing the priority, time, and manner of levying, assessing, equalizing and collecting county property taxes, including the sale of property for delinquency, and the redemption from such sale, and the duties of the several county officers with respect thereto, are hereby adopted for the agency and made a part hereof, so far as they are applicable and not in conflict with this act. Such officers shall be liable upon their official bond for the faithful discharge of the duties imposed upon them by this act.

SEC. 46. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or project, it may determine and declare by resolution the amount of bonds necessary to be issued in each member unit for such work or project, 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 the county within five (5) days after its issuance.

(b) After filing such resolution, the board shall call a special bond election in each said member unit to submit to the

qualified electors of each member unit the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution. The bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit, the proposition of incurring a bonded debt in the member unit or member units 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 recorded copy of the resolution. 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 6½ percent per annum For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit 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 county courthouse 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 each member unit 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 each 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 two-thirds (⅔) of the votes cast in a member unit are in favor of incurring such bonded indebtedness, then bonds for such member unit for the amount stated in the proceedings may be issued and sold as provided in this act.

SEC. 47. The board shall prescribe by resolution the form of the bonds, which shall include a designation of the 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, on 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 two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning with the date of the earliest maturity of each issue or series, not less than one-fortieth (1/40) of the indebtedness of such issue or series shall be paid every year. 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, except that no bonds shall be of a less denomination than one hundred dollars ($100), nor of a greater denomination than one thousand dollars ($1,000), 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 6½ percent 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 auditor of said agency and the seal of said agency shall be affixed thereto by the clerk 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 auditor 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.

SEC. 48. The board may issue and sell the bonds of such member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the county to the credit of said agency and the respective member

units thereof, for the uses and purposes of the member unit or member units voting said bonds; and in the proper record of such transactions shall be placed upon the books of said county treasurer, and said respective member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election. Payments from said member unit funds shall be made upon demands prepared, presented, allowed and audited in the same manner as demands upon any of the funds of the county.

SEC. 49. Any bonds issued under the provisions of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied as provided in Section 50. No member unit nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit for which bonds are issued under this act, nor shall any moneys derived from taxation or assessment in any of the several member units be used in payment of principal or interest or otherwise of the share of bonded indebtedness chargeable to any other member unit.

SEC. 50. The board shall levy a tax or assessment each year in the member unit or member units of issuance, sufficient to pay the interest and such portion of the principal of said bonds as is due or to become due before the time for making the next general tax levy. Such taxes or assessments shall be levied and collected in the respective member units of issuance with taxes for county purposes, and when collected shall be paid into the county treasury of the county to the credit of the member unit of issuance, and be used for the payment of the principal and interest on said bonds and for no other purpose. The principal and interest on said bonds shall be paid by the county treasurer in the manner provided by law for the payment of principal and interest on bonds of said county.

SEC. 51. If the board by resolution determines that a bonded indebtedness to pay the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred and can be repaid and liquidated as to both principal and interest from revenues designated by the board, other than taxes levied in the agency or any member unit, the board may incur such indebtedness upon approval by the California Districts Securities Commission and in the manner, for the purposes, and to the extent authorized and provided in Sections 46, 47, 48, 49 and 50 hereof for the issuance of general obligation bonds except that such revenue bonds may be issued when a majority vote of the qualified electors voting on the proposition at an election, favor the issuance of the bonds.

SEC. 52. Any improvement for which bonds are voted under the provisions of this act, shall be made in conformity with the report, plans, specifications and map theretofore adopted, as above specified, unless the doing of any of such work described in said report, shall be prohibited by law, or

be rendered contrary to the best interests of the district by some change of conditions in relation thereto, in which event the board may order necessary changes made in such proposed work or improvements and may cause any plans and specifications to be made and adopted therefor.

Whenever bonds have been authorized by any member unit or member units of the agency and the proceeds of the sale thereof have been expended as authorized in this act, and the board shall by resolution determine that additional bonds should be issued for carrying out any of the purposes of this act, the board may again proceed as provided in this act, and submit to the qualified voters of said member unit or member units the question of issuing additional bonds in the same manner and with like procedures as provided in this act, and the above provisions of this act for the issuing and sale of such bonds, and for the expenditure of the proceeds thereof, shall be deemed to apply to such issue of additional bonds.

Should a proposition for issuing bonds for any member unit or member units submitted at any election under this act fail to receive the requisite number of votes of the qualified electors voting at such election to incur the indebtedness the board shall not call or order, within six months after such election, another election in such member unit or member units for incurring indebtedness and issuing bonds under this act for the same purpose

The repeal or amendment of this act shall not in any way affect or release any of the property in the agency or any member unit thereof from the obligations of any outstanding bonds or indebtedness until all such bonds and outstanding indebtedness have been fully paid and discharged.

SEC 53. The agency may issue revenue bonds in its name and as its obligation, but neither principal nor the interest of any bond issued or sold pursuant to Section 51 shall become a lien, charge, or liability against any property in the agency, the State of California, or against the agency or any property or funds thereof or therein, except to the extent of the pledge of revenues or part of revenues of the works, as may be provided by the indenture pursuant to which revenue bonds are issued, and each such bond issued by the district shall contain a recital on the face thereof substantially as follows:

"This bond is not a lien, charge or liability, as to either principal or interest against any property in the Tuolumne County Water Agency, the State of California, or against the Tuolumne County Water Agency or any property or funds thereof, except to the extent of the pledge of revenues or part of revenues as provided by the indenture pursuant to which it is issued."

SEC. 54. The agency shall determine the time, form and manner of issuance of revenue bonds.

SEC. 55. The agency may enter into indentures providing for the aggregate principal amount, date or dates, maturities,

interest rates, denominations, form, registration, transfer, and interchange of any revenue bonds and coupons issued pursuant to this act, and the terms and conditions on which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. Reference on the face of the bonds to such indenture by its date of adoption, or the apparent date on the face thereof, is sufficient to incorporate all of the provisions thereof and of this act into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this act, and is bound thereby.

SEC. 56. An indenture pursuant to which bonds are issued may include any and all such covenants and agreements on the part of the agency as the agency deems necessary or advisable for the better security of the bonds issued thereunder.

SEC. 57. An indenture shall provide the means by which payments of principal and interest of bonds shall be secured.

SEC. 58. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to pay or cause to be paid punctually the principal of all such bonds and the interest thereon on the date or dates, or at the place or places, and in the manner mentioned in such bonds and in the coupons appertaining thereto in accordance with such indenture.

SEC. 59. An indenture may include a clause relating to the bonds issued thereunder, requiring the agency to operate the conservation works continuously, to the extent practicable under conditions as they may from time to time exist, in an efficient and economical manner.

SEC. 60. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to make all necessary repairs, renewals and replacements to any conservation works, and to keep the project at all times in good repair, working order and condition.

SEC. 61. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to preserve and protect the security of the bonds and the rights of the holders thereof and to warrant and defend such rights.

SEC. 62. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon the revenues, or any part thereof, of any project acquired, constructed or completed from the proceeds of the sale of the bonds, or upon any physical properties, or which might impair the security of the bonds.

SEC. 63. An indenture may include a clause relating to the bonds issued thereunder which limits, restricts, or prohibits any right, power or privilege of the agency to mortgage or otherwise encumber, sell, lease or dispose of any improvements

constructed from the proceeds of the bonds, or otherwise owned or operated by the agency or to enter into any lease or agreement which impairs or impedes the operation of conservation works, or any part thereof, necessary to secure adequate revenues or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues.

SEC. 64. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to fix, prescribe and collect rates, rentals or other charges in connection with the services and facilities furnished from the conservation works acquired, constructed or purchased from part or all of the proceeds of the bonds, sufficient to pay the principal of and interest on the bonds as they become due and payable, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds or as a depreciation charge or other charges in connection with such project.

SEC. 65. An indenture may include a clause relating to the bonds issued thereunder requiring the agency to hold or cause to be held in trust the revenues or any part of revenues pledged to the payment of such bonds and the interest thereon, or to any reserve or other fund created for the further protection of the bonds, and to apply such revenues or part of revenues or cause them to be applied only as provided in the indenture.

An indenture may include a clause defining the power of the agency in applying the proceeds of the sale of any issue of bonds for the acquiring, construction, or completing of any conservation works or any part thereof.

SEC. 66. An indenture may include a clause subjecting the power of the agency to issue additional bonds to such conditions as the agency deems necessary.

SEC. 67. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the agency on any works, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

SEC. 68. An indenture may include a clause providing the events of default and the terms and conditions upon which any or all of the bonds of the agency then or thereafter issued may become or be declared due and payable prior to maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

SEC. 69. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the agency of any of the covenants, conditions, or obligations contained in any indenture.

SEC. 70. An indenture may include a clause prescribing a procedure by which the terms and conditions of the indenture may be subsequently amended or modified with the con-

sent of the agency and the vote or written assent of the holders of a specified principal amount or specified proportion of the bonds issued and outstanding. Such clause may provide for meetings of bondholders and for the manner in which the consent of the bondholders may be given. The clause shall specifically state the effect of such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto, whether attached thereto or detached therefrom.

With respect to any clause providing for the modification or amendment of an indenture, the agency may agree that bonds held by the agency or by the State of California or any political subdivision thereof shall not be counted as outstanding bonds, or be entitled to vote or assent, but shall, nevertheless, be subject to any such modification or amendment.

SEC. 71. An indenture may include a clause or clauses providing for such other acts and matters as may be necessary or convenient or desirable in order better to secure the bonds or to make the bonds more marketable.

SEC. 72. The agency may designate a bank or trust company qualified to do business in this state, as a trustee for the agency and the holders of bonds issued under this act, and may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders.

SEC. 73. The agency may fix and determine the conditions upon which any trustee shall receive, hold or disburse any or all revenues deposited with it by or by authority of the agency. The agency shall prescribe the duties and powers of any such trustee with respect to the issuance, authentication, sale and delivery of the bonds and the payment of principal and interest thereof, the redemption of the bonds, the registration and discharge from registration of the bonds, and the management of any sinking fund or other funds provided as security for the bonds.

SEC. 74. The agency may provide for one or several issues of bonds and may issue bonds in series or may divide any issue into one or more divisions and fix different maturities or dates of such bonds, different rates of interest, or prescribe different terms and conditions for the bonds of the several series or divisions. It is not necessary that all bonds of the same authorized issue be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof shall in each case be provided for by the agency, at or prior to the issue thereof.

SEC. 75. Bonds may be issued as coupon bonds or as registered bonds. The agency may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be regis-

tered as to principal only, or as to both principal and interest, or otherwise as the agency may determine.

SEC. 76. Bonds may be callable upon such terms, condition, and upon such notice as the agency may determine, and upon the payment of such premium as may be fixed by the agency in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise such call is expressly stated on the face of the bond.

SEC. 77. The agency may provide for the payment of the principal and interest of bonds at any place within or without the State of California, and in specified coin or currency of the United States.

SEC. 78. Bonds shall bear dates prescribed by the agency. Bonds may be serial bonds or sinking fund bonds with such maturities as the agency may determine. No bond by its terms shall mature in more than 50 years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

SEC. 79. Bonds may be sold at either public or private sale. The agency may fix terms and conditions for the sale or other disposition of any authorized issue of bonds.

SEC. 80. All costs and expenses incident to the issuance and sale of bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any works for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two (2) years thereafter as provided for in the indenture.

SEC. 81. The agency may provide that the bonds and the interest thereon shall be secured by all or by part of revenues of a conservation works upon the basis of which revenue bonds are issued or authorized to be issued, and shall constitute such lien upon the revenues of such conservation works as may be provided for in the indenture.

SEC. 82. Pending the actual issuance or delivery of revenue bonds, the agency may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, to be exchanged for definitive bonds when ready for delivery.

SEC. 83. The agency may provide for the replacement of lost, destroyed or mutilated bonds, or coupons.

SEC. 84. Bonds issued pursuant to the provisions of this act and the interest or income therefrom are exempt from all taxation in this state other than gift, inheritance and estate taxes.

SEC. 85. Bonds issued and sold pursuant to the provisions of this act are legal investments for all trust funds and for the funds of all insurance companies, banks, both commercial and savings trust companies, the state school funds, and any public or private funds which may be invested in county, municipal or school district bonds, and may be deposited as security for the performance of any act whenever the bonds of any county, municipal or school district may be so deposited.

SEC. 86. The agency may provide for the issuance, sale or exchange of refunding revenue bonds for the purpose of redeeming or retiring any revenue bonds issued by the agency. All provisions of this act applicable to the issuance of revenue bonds are applicable to the funding revenue bonds or refunding revenue bonds and to the issuance, sale or exchange thereof.

SEC. 87. Funding or refunding revenue bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds, and the issuance of such funding or refunding revenue bonds. These expenses include the difference in amount between the par value of the funding or refunding revenue bonds and any amount less than par for which the funding or refunding revenue bonds are sold, any amount necessary to be made available for the payment of interest upon such funding or refunding revenue bonds from the date of sale thereof to the date of payment of the bonds to be funded or refunded or to the date upon which the bonds to be funded or refunded will be paid pursuant to the call thereof or agreement with the holders thereof, and the premium, if any, necessary to be paid in order to call or retire the outstanding bonds and the interest accruing thereon to the date of the call or retirement.

SEC. 88. All bonds issued under the provisions of this act are negotiable instruments, except when registered in the name of a registered owner.

SEC. 89. Before issuing any revenue bond or bonds pursuant to the provisions of this act, the board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for such purpose, and bonds shall not be issued or sold for such purpose in an amount exceeding such specified maximum except with the consent of the bondholders, pursuant to amendment or modification of an indenture, as provided in Section 66 of this act. Nothing in this section shall prevent the board from amending such resolution prior to the issuance of bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold.

SEC. 90. The agency may insure against loss of revenues from any cause whatsoever and the proceeds of any such insurance shall be used solely for the payment of bonds and the

interest thereon. The agency may provide an indenture for the carrying of public liability or property damage insurance or insurance against loss by fire or other hazards or any other insurance in amount or in such character as it shall determine, and for the payment of the premiums thereon.

SEC. 91. The agency may provide in an indenture that the proceeds from the sale of all revenue bonds authorized under this act shall be paid direct to the county treasurer designated by the agency as the fiscal agent or depositary of the district, to be held in a separate account to be designated the "construction fund" and to be disbursed in the manner and upon the conditions provided in the indenture for the acquisition, construction and completion of the project, including the payment of the cost of all surveys, preparation of plans and specifications, and the payment of all architectural, engineering, legal and administrative costs, and in addition for the payment of all costs and expenses of and incident to the formation of the district and the issuance and sale of bonds and the payment of interest due or to become due on the bonds during the period of actual construction, and for such further period as may be specified in the indenture for the issuance of the bonds not exceeding two (2) years after the period of construction.

SEC. 92. Moneys in any construction fund may be invested as the agency in its sole discretion shall determine, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds.

SEC. 93. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the construction fund shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, become and be the property of the agency, and be used by the agency for any lawful purpose.

SEC. 94. An action to determine the validity of bonds, levy of a special assessment or a contract may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. In any such action all findings of fact or conclusions of the board upon all matters shall be conclusive unless the action was instituted within six months after the finding or conclusion was made.

SEC. 95. Neither the establishment of the agency nor any provisions of this act shall affect, restrict nor supersede the existence, property, right, or power of any municipality, public district, or public agency now or hereafter established in or partially within the limits of the agency for the purpose of flood control, reclamation, conservation, storage, distribution, sale, use, or development of water. The Legislature, because of conditions special to the county, hereby expressly declares its intent to permit within the limits of the Tuolumne County Water Agency, the existence of more than one district, munic-

ipality or combination thereof, having similar powers over similar territory in regard to flood control, reclamation and water conservation, storage, distribution, sale, use or development.

SEC. 96. Neither the formation of the agency nor this act shall impair the vested right of any person, association, corporation, municipality or public district in or to any water or the use thereof.

SEC. 97. The agency, in order to determine the legality of its existence, may institute a proceeding therefor in the superior court of this state, in and for the County of Tuolumne, by filing with the clerk of said county a complaint setting forth the name of the agency, its exterior boundaries, the date of its organization and a prayer that it be adjudged a legal agency formed under this act. The summons in such proceeding shall be served by publishing a copy thereof once a week for four (4) weeks in a newspaper of general circulation published in the county. The State of California shall be a defendant in such action, and consent therefor is given. Service of summons therein shall be made on the Attorney General. The Attorney General shall appear in such action on behalf of the state in the same manner as with appearances in civil actions. Within thirty (30) days after proof of publication of said summons the state, any property owner or resident in said agency, or any person interested may appear as a defendant in said action by serving and filing an answer to said complaint, in which case said answer shall set forth the facts relied upon to show the invalidity of the agency and shall be served upon the district attorney before being filed in such proceeding. Such proceeding is hereby declared to be a proceeding in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever, including the agency and the State of California.

SEC. 98. The agency may be dissolved in the manner provided for the dissolution of districts by the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code, and the agency shall be considered a district within the meaning of all of the provisions of such act for the purpose of dissolution.

SEC. 99. The Legislature hereby finds that water problems in the county require countywide water conservation, flood control and development of water resources; that these problems are not general or statewide; that the county for many years has had made investigations and engineering surveys of the county's water resources by private, public and United States engineers; that county water districts, municipalities, and water conservation districts now exist within portions of the county, have acquired property and works, developed a limited water supply, and have incurred indebtedness, but have been and are unable alone to economically develop an adequate water supply and control the floods of

said county and for such reason it is necessary to have a political entity coextensive with the geographical limits of the entire county; that the county cannot be supplied with water from a common source or by a common system of works; that investigation having shown conditions in said county to be peculiar to it. It is, therefore, hereby declared that a general law cannot be made applicable to said county and that the enactment of this special law is necessary for the conservation, development, control and use of said water for the public good and for the protection of life and property therein.

SEC. 100. If any provision of this act is declared unconstitutional or invalid for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

CHAPTER 1237

An act to add Section 10094.2 to, and to repeal Section 10101 of, the Insurance Code, relating to insurance.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 10094.2 is added to the Insurance Code, to read:

10094.2. The facility shall, pursuant to regulations adopted by the commissioner, provide for a method whereby insurers who voluntarily write basic property insurance on risks located in areas designated as brush hazard areas by the Pacific Fire Rating Bureau will, to that extent, be proportionately relieved of the liability to participate in a plan adopted pursuant to this chapter. Nothing in this chapter shall preclude adoption of a plan or plans to allow proportionate credit for voluntary writings in other areas or for other classes of insurance.

SEC. 2. Section 10101 of the Insurance Code is repealed.

CHAPTER 1238

An act to amend Sections 6826, 6872.1, 6872.2, and 6873.2 of the Public Resources Code, relating to leases and surveys.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 6826 of the Public Resources Code is amended to read:

6826. The commission may permit geological or geophysical surveys on state lands and may grant permits therefor upon such terms and conditions as the commission shall specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease. Whenever the granting of any such permit is being considered by the commission, it shall, prior to granting the permit, hold a public hearing on the matter and give not less than sixty (60) days' written notice thereof to each city or county adjacent to the area where such surveys would be conducted, and shall publish such notice in the manner prescribed in Section 6834 of this chapter. The taking of cores and other sample may be conducted on and under state lands; provided, that the commission shall require that a permit first be obtained covering such types of drilling operations for the purpose of obtaining geological samples as the commission may determine by regulation, such permit to be issued upon such terms and conditions as the commission may specify by regulation, but any such permit shall not give the permittee any preferential right to an oil and gas lease.

The commission shall require, as a condition to the issuance of any permit for the conduct of geological or geophysical surveys on tide and submerged lands under this section, that the permittee make available to the commission, upon request, all factual and physical exploration results, logs, and records resulting from the operations under the permit. Any such factual or physical exploration results, logs, or records which the permittee is required to make available to the commission shall be for the confidential use of the commission and shall not be open to inspection by any other person or agency without the written consent of the permittee.

It is a misdemeanor for any member of the commission, any officer or employee of the commission, or any person performing any function or work assigned to him by the commission, to disclose to any person who is not a member, officer, employee of the commission or to any person who is not performing any function or work assigned to him by the commission, any information obtained from the inspection of such factual or physical exploration results, logs, or records, or to use such information for purposes other than the administration of the functions, responsibilities, and duties vested in the commission by law, except upon the written consent of the permittee making available such information to the commission.

SEC. 2. Section 6872.1 of the Public Resources Code is amended to read:

6872.1. Whenever it appears to the commission that oil and gas deposits are known or believed to be contained in any such lands as are described in Section 6871.2, subdivision (b), of this code or in tide and submerged lands along the coast of the

Pacific Ocean south of the northerly city limits of the City of Newport Beach in Orange County to the southerly boundary of the state, and are being drained by means of wells upon adjacent lands owned by others than the state, the commission shall thereupon be authorized and empowered to lease state-owned tide and submerged lands adjacent to any such wells for the production of oil and gas therefrom, either as a tract or in parcels of such size and shape as the commission shall determine but only within an area and to an extent necessary to offset such drainage of state-owned tide and submerged lands by any such wells upon adjacent lands owned by others.

SEC. 3. Section 6872.2 of the Public Resources Code is amended to read:

6872.2. If the commission determines that any tide and submerged lands belonging to the state in the area hereinafter referred to should be drilled pursuant to the terms of Section 6872.1 of this code, then, notwithstanding the provisions of Section 6874 of this code, in order to preserve and protect the highly developed recreational and residential area now referred to, the commission shall require that any well or wells drilled pursuant to the terms of any lease issued with respect to any part of the hereinafter described area be slant-drilled from an upland or littoral site to and into the subsurface of the tide or submerged lands covered by the lease. The area to which this section is applicable is the tide and submerged lands along the coast of the Pacific Ocean south of the northerly city limits of the City of Newport Beach in Orange County to the southerly boundary of the state.

SEC. 4. Section 6873.2 of the Public Resources Code is amended to read:

6873.2. Before offering any tide or submerged land area or beds of navigable rivers or lakes in any area for an oil and gas lease, the commission shall hold a public hearing on the matter within a city or county adjacent to such area and give not less than sixty (60) days' written notice thereof to each adjacent city or county, and to the Department of Parks and Recreation, and shall publish such notice in the manner prescribed in Section 6834 of this chapter. The commission shall propose at such hearing a plan for the control of subsidence and pollution which might occur as a result of the proposed oil and gas operation.

In not less than thirty (30) days after such hearing the commission shall determine whether or not to offer the land for lease, as provided under Sections 6871.3, 6872 and 6872.1. In such determination the commission shall consider whether the issuance of a lease as to all or a part of such lands would result in an impairment or interference with the developed riverbank or shoreline recreational or residential areas adjacent to the proposed leased acreage, or whether to offer such

land for lease as to all or a part thereof and include in the offer for lease such reasonable rules and regulations which, in the opinion of the commission, are necessary for the exploration, development, and operation of said lease in a manner which will not impair or interfere with said developed riverbank or shoreline recreational or residential areas; provided, however, that no tide or submerged lands or beds of navigable rivers or lakes shall be offered for lease under any conditions, rules, or regulations which will result in a discrimination between bidders as prohibted by Section 6874.

The commission in determining whether the issuance of such lease or leases would result in such impairment or interference with the developed riverbank or shoreline, recreational or residential areas adjacent to the proposed leased acreage or in determining such rules and regulations as shall be necessary in connection therewith shall at said hearing receive evidence upon and consider whether such proposed lease or leases would

(a) Be detrimental to the health, safety, comfort, convenience, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(b) Interfere with the developed riverbank or shoreline, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes;

(c) Destroy, impair, or interfere with the esthetic and scenic value of such recreational, residential or park areas;

(d) Create any fire hazard or hazards, or smoke, smog or dust nuisance, or pollution of waters surrounding or adjoining said areas.

Authority to hold the hearings provided in this section may be delegated by the commissioner to its officers or employees.

CHAPTER 1239

An act to add Section 23755.5 to the Education Code, relating to residency determinations at state colleges.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 23755.5 is added to the Education Code, to read:

23755.5. A person is a resident student of this state for the year immediately following the date he becomes 21 years of age if he was deemed to be a resident student pursuant to Section 23755 on the residency determination date immediately preceding the date he became 21 years of age.

CHAPTER 1240

An act to add Section 509.5 to the Welfare and Institutions Code, relating to juvenile halls.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 509.5 is added to the Welfare and Institutions Code, to read:

509.5. The Youth Authority shall adopt minimum standards for determining the suitability of juvenile halls for the confinement of minors.

Any violation of such standards shall render a juvenile hall unsuitable for the confinement of minors for purposes of Section 509.

CHAPTER 1241

An act to add Chapter 3.5 (commencing with Section 27000) to Division 21 of the Health and Safety Code, relating to pet food, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Chapter 3.5 (commencing with Section 27000) is added to Division 21 of the Health and Safety Code, to read:

CHAPTER 3.5. PROCESSED PET FOODS

Article 1. Definitions

27000. "Processed pet food" means a food for pets which has been prepared by heating, drying, semidrying, canning, or by a method of treatment prescribed by regulation of the State Department of Public Health. The term includes special diet, health foods, supplements, treats and candy for pets, but does not include fresh or frozen pet foods subject to the control of the Department of Agriculture of this state.

27001. "Pet" means any household animal including but not limited to cats or dogs and other carnivores whether or not for exhibition.

27002. "Pet food ingredients" means each of the constituent materials making up a processed pet food. Pet food ingredients of animal or poultry origin shall be only from animals or poultry slaughtered or processed in an approved or licensed establishment. Such animal or poultry ingredients condemned for human food but passed for animal food in an establishment inspected by the United States Department of

Agriculture or the Department of Agriculture of this state may be used for pet food, provided it is properly denatured or handled in accordance with this chapter and regulations of the State Department of Public Health and the regulations of the Department of Agriculture of this state so as to render the ingredients safe for pet food. Animals or poultry classified as "deads" are prohibited.

27003. Incubator reject eggs may not be used in food for human consumption but may be used for animal food or animal-food products.

27004. The term "advertisement" means all representations disseminated in any manner or by any means for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of processed pet food. An advertisement shall be deemed false if it is false or misleading in any particular.

27005. If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account, among other things, not only misrepresentations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

27006. This chapter shall be known, and may be cited, as the Pure Pet Food Act of 1969.

Article 2. Licenses and Registration Certificates

27010. Every person who manufactures a processed pet food in California shall first obtain a license from, and every person who manufactures a processed pet food for import into California from another state shall first obtain a registration certificate from, the State Department of Public Health. Each license or registration certificate is good for one calendar year from the date of issue and is nontransferable.

An application for a license or registration certificate shall be made on an application form provided by the department.

27011. A separate license shall be required for each processing plant located in California.

The annual license fee shall be one hundred dollars ($100). The annual registration fee shall be one hundred dollars ($100). The penalty for failure to apply for renewal of a license or registration certificate within 30 days after the expiration is thirty dollars ($30) and shall be added to the re-

newal fee and be paid by the applicant before the renewal license or registration certificate may be issued. All fees collected shall be expended as appropriated by the Legislature in the carrying out of the provisions of this chapter and the regulations adopted thereto.

The annual license fee for a pet food canner also licensed under Chapter 8 (commencing with Section 28360) of this division is one hundred dollars ($100). No additional fee is payable by such a person for a license issued to him under that chapter.

27012. An annual license or registration certificate shall be issued only when the following provisions have been met:

(a) Inspection of the manufacturing facilities demonstrates that they are properly equipped and are operated in a sanitary manner.

(b) In the case of an out-of-state manufacturer, the application for a registration certificate is accompanied by a certificate issued by a federal, state, or local health agency certifying that the processed pet foods manufactured conform to the requirements of this chapter or the regulations adopted hereunder.

(c) The applicant submits to the department the label which would be attached to the container of each type of processed pet food and a complete list of the pet food ingredients thereof in their order of predominance by weight.

Article 3. Prohibited Acts and Penalties

27020. The following acts and the causing thereof within the State of California are hereby prohibited:

(a) The manufacture, sale, or delivery, holding or offering for sale of any pet food ingredient or processed pet food that is adulterated or misbranded.

(b) The adulteration or misbranding of any pet food ingredient or processed pet food.

(c) The dissemination of any false advertising.

(d) The refusal to permit entry or inspection, or to permit the taking of a sample.

(e) The removal, sale, or disposal of a detained or embargoed processed pet food without permission of an authorized agent or the court.

(f) The giving of a guaranty or undertaking which is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the State of California from whom he received in good faith the pet food ingredient or the processed pet food.

(g) The receipt in commerce of any pet food ingredient or processed pet food that is adulterated, misbranded or falsely advertised and the delivery or proffered delivery thereof for pay or otherwise.

(h) Failure to obtain a license as required by this chapter.

(i) Use of any pet food ingredient which fails to conform to the standard of identity for such pet food ingredient as adopted pursuant to Section 27040.

27021. (a) Any person who violates any of the provisions of this chapter or the rules and regulations promulgated under this chapter is subject to imprisonment for not more than six months or a fine of not more than five hundred dollars ($500), or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final, or the violation is committed with intent to defraud or mislead, the person shall be subject to imprisonment for not more than one year, or a fine of not more than one thousand dollars ($1,000), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subdivision (a) for having violated provisions of this chapter if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the State of California from whom he received in good faith the article, to the effect that such article conforms to all provisions of this chapter, designating this chapter.

If the guaranty is to the effect that such article is not in violation within the meaning of the federal act, as provided in Section 303(c) of the federal act, 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, unless at any time the standard for the article concerned under this chapter is higher than the standard for a like article under the federal act.

(c) No publisher, radio or television broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section for the dissemination of such false advertisement, unless he has refused, on the request of the department, to furnish the department the name and post office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in the State of California who caused him to disseminate such advertisement.

27022. In addition to other remedies herein provided, the department may bring an action in the 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 Procedure, 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.

Article 4. Adulteration

27030. A pet food ingredient or a processed pet food shall be deemed to be adulterated:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such pet food shall not be considered adulterated under this subdivision if the quantity of such substance in such pet food does not ordinarily render it injurious to health.

(b) If it bears or contains any added poisonous or deleterious substance, any food additive, any pesticide chemical, or any color additive which is unsafe within the meaning of the Federal Food, Drug and Cosmetic Act, or Chapter 3 (commencing with Section 26450) of this division, or Division 7 (commencing with Section 12501) of the Agricultural Code.

(c) If it contains a pet food ingredient for which a standard of identity has been established and such pet food ingredient fails to meet that standard.

(d) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health.

(e) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(f) If any valuable constituent has been in whole or in part omitted or abstracted therefrom.

(g) If any substance has been substituted wholly or in part therefor.

(h) If damage or inferiority has been concealed in any manner.

(i) If any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength or make it appear better or of greater value than it is.

Article 5. Misbranding

27031. A pet food ingredient or processed pet food shall be deemed to be misbranded:

(a) If its labeling is false or misleading in any particular.

(b) If its container is so made, formed or filled as to be misleading.

(c) If in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count.

Under clause (2) of subdivision (c), reasonable variation shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the department.

(d) If any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or emblems, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

27032. A pet food shall be deemed to be misbranded if it is not subject to Section 27033, unless its label bears (a) the common or usual name of the food, if any there be, and (b) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient listed in descending order of predominance in the product. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

27033. A processed pet food shall be deemed to be misbranded if it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Section 27040 unless (a) it conforms to such definition and standard, and (b) its label bears the name of the processed pet food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional pet food ingredients present in such processed pet food. Spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each.

27034. A processed pet food shall be deemed to be misbranded:

(a) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the department determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses.

(b) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact. To the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the department.

Article 6. Administration

27040. When in the judgment of the department such action will promote honesty and fair dealing in the interest of the ultimate purchaser, the department may promulgate regulations establishing for any processed pet food or pet food ingredient any of the following:

(a) A reasonable definition and standard of identity.

(b) A reasonable standard of quality or fill of container.

(c) The method of treatment of such products or ingredients to render them safe for pet feeding.

(d) Labeling information necessary to fully inform the purchaser thereof.

27041. The provisions of this chapter shall be administered by the State Department of Public Health in accordance with the provisions of Chapter 3 (commencing with Section 26450) of this division, and the department shall have all the powers granted to the board in that chapter.

SEC. 2. There is hereby appropriated from the General Fund to the State Department of Public Health for expenditure in carrying out the purposes of the act, the sum of nineteen thousand four hundred sixty-six dollars ($19,466) in augmentation of the appropriation made by Item 161 of the Budget Act of 1969.

CHAPTER 1242

An act to amend Sections 4155 and 9261 of the Vehicle Code, relating to identification plates.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 4155 of the Vehicle Code is amended to read:

4155. Registration under this code shall apply to any vehicle owned by the United States government, the state, or any city, county, or political subdivision of the state, except in the following particulars:

(a) A license plate issued for a vehicle while publicly owned need not display the year number for which it is issued, but shall display a distinguishing symbol or letter.

(b) The registration of the vehicle and the registration card issued therefor shall not be renewed annually but shall remain valid until the certificate of ownership is suspended, revoked, or canceled by the department or upon a transfer of any interest shown in the certificate of ownership. If ownership of the vehicle is transferred to any person, the vehicle shall be reregistered as a privately owned vehicle and the special license plates shall be surrendered to the department.

(c) An identification plate used for special construction, cemetery, or special mobile equipment need not display a distinguishing symbol or letter.

SEC. 2. 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, cemetery equipment, and special mobile equipment are exempt from the service charge.

SEC. 3. 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 equipment, cemetery equipment, mobile equipment or a snowmobile. Publicly owned special construction equipment, cemetery equipment, special mobile equipment, and snowmobiles are exempt from the service charge.

SEC. 4. It is the intent of the Legislature, if amendments to Section 9261 of the Vehicle Code proposed by both this bill and AB 1407 are enacted, that both amendments be given effect and incorporated in Section 9261 in the form set forth in Section 3 of this act. Therefore, in the event AB 1407 is enacted and amends Section 9261, Section 3 of this act shall become operative at the same time that Section 9261 as amended by AB 1407 becomes operative, and at that time, Section 9261 of the Vehicle Code as amended by Section 2 of this act is repealed.

CHAPTER 1243

An act to amend Sections 985 and 986 of the Insurance Code, relating to disability insurance.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 985 of the Insurance Code is amended 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.

(g) In the application of this section to disability insurance, as defined in Section 106, reserves for unearned premiums and amounts reasonably estimated as required to reinsure outstanding risks shall be determined in accordance with the provisions of Section 997.

SEC. 2. Section 986 of the Insurance Code is amended to read:

986. A life insurer issuing policies on a reserve basis is insolvent whenever its assets are exceeded by the amount necessary to provide for its liabilities and for reinsurance of all its outstanding risks at the following rates:

(a) In the case of contracts issued in a foreign country, upon the lives of residents thereof, by a domestic insurer authorized to and doing business in that foreign country, the rates shall be in accordance with the standard of mortality approved by the commissioner, as provided by law.

(b) In the case of group insurance, at the rates required by law for valuation thereof.

(c) In the case of all other outstanding risks written prior to January 1, 1892, at the rates based upon the American Experience Table of Mortality with interest at the rate of 4½ percent per annum.

(d) In the case of all its other outstanding risks written from and after December 31, 1891, up to and including December 31, 1907, at rates based upon the Combined Experience or Actuaries' Table of Mortality with interest at the rate of 4 percent per annum.

(e) In the case of all its other outstanding risks written from and after December 31, 1907, and prior to the operative date as to such risks of Article 3a (commencing with Section 10489.1), Chapter 1, Part 2, Division 2, at rates based upon the American Experience Table of Mortality with interest at the rate of 3½ percent per annum, and, where applicable, in accordance with Section 10486.9.

(f) In the case of contracts of disability insurance, as defined in Section 106, according to the standards provided in Section 997.

(g) In the case of all other risks, according to the standards provided in Article 3a (commencing with Section 10489.1), Chapter 5, Part 2, Division 2.

CHAPTER 1244

An act relating to the Imperial Valley Warmwater Hatchery, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Notwithstanding any provision of Section 2.5 of the Budget Act of 1969 (Chapter 355, Statutes of 1969) to the contrary, the project for the construction of the Imperial Valley Warmwater Hatchery shall be included in Priority I, as contained in Section 2.5 of said act, and shall be financed pursuant to the appropriation made therefor by Item 421 of said act.

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 project for the construction of the Imperial Valley Warmwater Hatchery is urgently needed. The project has been commenced and funds have been appropriated to finance it pursuant to Item 421 of the Budget Act of 1969 (Chapter 355, Statutes of 1969). However, the project was omitted from the priority list placed in Section 2.5 of the Budget Act. In order to continue the project, it is essential that this act take immediate effect.

CHAPTER 1245

An act authorizing the Department of Public Works to advance funds for the Sweetwater Flood Control Project.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. The Department of Public Works and the County of San Diego are authorized to enter into a joint powers agreement relative to the joint acquisition of rights-of-way for State Highway Route 54 and the Sweetwater Flood Control Project. The agreement may provide, among other things, for the advancements of funds by the department to the county for the county's portion of such rights-of-way, provided that funds for such advancements 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. Any such agreement shall provide for the payment of interest on the funds advanced by the department to the county. Any such advancements shall be deemed accounts receivable and shall be repaid to the department by the county by June 30, 1975.

CHAPTER 1246

An act to amend Section 13510 of the Education Code, relating to employee salaries.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13510 of the Education Code is amended to read:

13510. The governing board of a school district may during any school year increase the annual salaries of persons employed by the district in positions requiring certification qualifications at any time.

CHAPTER 1247

An act to amend Sections 31558.1 and 31567 of the Government Code, relating to county retirement.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 31558.1 of the Government Code is amended to read:

31558.1. Notwithstanding any of the provisions of Section 31558 to the contrary, each person over 35 years of age who, prior to January 1, 1965, was employed in a position, the principal duties of which consist of active law enforcement as defined in Section 31469.3 or active fire suppression as defined in Section 31470.4, who has continuously since his employment made the salary contributions required of a safety member, and who has continuously since his employment been employed in a position which would make such person eligible to become a safety member if he had not been over the age of 35 years at the time of his employment, shall become a safety member as of the first day of the calendar month following his original entrance into the service regardless of age.

A member who meets the requirements of the preceding paragraph of this section except that he has not made the contributions required of a safety member, may receive credit for such service, as a safety member, when he has contributed,

with interest to the date paid, the difference between contributions made and those which would have been required if he had been a safety member. Such additional contributions are to be made prior to retirement and notice of election to receive credit for service, as a safety member, pursuant to this section, shall be made to the retirement board prior to April 1, 1970. This section shall be operative only until April 1, 1970, and thereafter shall have no force and effect.

SEC. 2. Section 31567 of the Government Code is amended to read:

31567. Any member of a retirement system established under this chapter who is employed in a position, the principal duties of which consist of active law enforcement or active fire suppression as defined under Sections 31469.3, 31470.2 and 31470.4, and who, prior to 1955, had the right to elect to become a safety member of such system shall again have the right to elect to become a safety member. Notice of such election shall be given in writing to the board of retirement administering the system

The member's status as a safety member shall be effective on the first day of the second month following that in which the notice of election is received by the board of retirement.

Such a member may elect to receive credit for service rendered as a member of such system, as if he had been a safety member commencing in 1955. Notice of such election shall be given in writing to the board of retirement no less than 30 days prior to the member's retirement. The member shall receive credit for such service, as a safety member, if he contributes the difference between the member contributions actually made for that period of service and the contributions that he would have been required to make if he had been a safety member during that period. The member shall also contribute interest on the difference at the rates at which interest was credited on member contributions for each year of the period for which credit is sought.

An election under this section shall be irrevocable, and the additional contribution payments hereunder required, if not completed as specified, shall be forfeited to the retirement fund, and a forfeiting member shall then receive only general membership benefits. Additional contributions shall be made by lump sum payment or in such monthly payroll deduction amounts as determined by the board, but must be made prior to the member's retirement.

CHAPTER 1248

An act to amend Section 1803 of the Vehicle Code, relating to conviction for vehicle violations.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 1803 of the Vehicle Code is amended to read:

1803. (a) Every clerk of a court, or judge if there be no clerk, in which a person was convicted for any violation of this code, and of any narcotic offense under Division 10 (commencing with Section 11000) of the Health and Safety Code, and of any violation of any other statute relating to the safe operation of vehicles, shall prepare within 10 days after conviction and immediately forward to the department at its office at Sacramento an abstract of the record of the court covering the case in which the person was so convicted which abstract must be certified by the person so required to prepare the same to be true and correct.

For the purposes of this section, a forfeiture of bail shall be equivalent to a conviction.

(b) The following violations are not required to be reported under subdivision (a) of this section:

(1) Chapter 9 (commencing with Section 22500) of Division 11.

(2) Division 12 (commencing with Section 24000), except Sections 24002, 24004, 24250, 24409, 24604, 24800, 25103, Chapter 3 (commencing with Section 26301), 26707, 27800, and 27801.

(3) Division 15 (commencing with Section 35000), except Chapter 5 (commencing with Section 35550).

(4) Violations for which a person was cited as a pedestrian or while operating a bicycle.

(c) If the court impounds a license or orders a person to limit his driving pursuant to subdivision (c) of Section 40508, the court shall notify the department concerning the impoundment or limitation on an abstract prepared pursuant to subdivision (a) of this section or on a separate abstract, which shall be prepared within 10 days after the impoundment or limitation was ordered and immediately forwarded to the department at its office in Sacramento.

CHAPTER 1249

An act to amend Sections 76.1, 77.3, 78.3, and 78.6 of the Harbors and Navigation Code, to amend Sections 101 and 205 of the Business and Professions Code, relating to harbors and watercraft.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 76.1 of the Harbors and Navigation Code is amended to read:

76.1. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

(a) "Broker" refers to a person who, as a whole or partial vocation, sells or offers for sale, buys or offers to buy, lists, solicits prospective purchasers of, negotiates the purchase or sale or exchange of, charters, offers to charter, negotiates the charter of, leases, rents, places for lease or rent, or negotiates loans on, yachts or ships.

A person shall be deemed to be a broker, within the meaning of this section, if, he does any of the acts or participates in any of the transactions herein defined, even though at some subsequent time he may obtain title to, or procure in his own name the certification or registration of, the yacht or ship in question.

(b) "Department" refers to the Department of Harbors and Watercraft.

(c) "Director" refers to the Director of Harbors and Watercraft.

(d) "Person" includes individual, copartnership, association, and corporation.

(e) "Salesman" refers to an individual who, as a whole or partial vocation, for compensation, is employed by a licensed broker to do any or all things that the broker may do under this article.

(f) "Yacht" and "ship" refer to any vessel for navigating in water which is self-propelled or is propelled by sail, oars, paddle, or other mechanical means.

SEC. 2. Section 77.3 of the Harbors and Navigation Code is amended to read:

77.3. (a) Every applicant for a broker's license or renewal thereof shall deposit with the department a good and sufficient surety bond issued by a company authorized to do business in this state in the amount of five thousand dollars ($5,000) and in such form and on such conditions as the department may require for the protection of persons with whom such applicant may deal as a licensee, or in lieu thereof, bonds of the United States government of a cash value of five thousand dollars ($5,000).

(b) Any person claiming to be injured by the fraud, deceit, or willful negligence of any broker, or by the failure of any broker to comply with the provisions of this article, may bring an action upon the bond deposited with the department against both the principal and the surety in any court of competent jurisdiction to recover the damage caused by such fraud, deceit, willful negligence, or failure to comply with the provisions of this article. In the event that a broker fails to pay any sum owed to any creditors arising out of any transaction in which such broker acted in his capacity as a broker, the department shall call and hold a hearing, as near as may be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, to

determine the names and addresses of all such creditors, together with the amounts due and owing to them and each of them. The publication of one notice of the hearing in a magazine or newspaper of general circulation devoted to the yacht and ship business shall constitute sufficient notice of the hearing. Each creditor claiming that a sum is owed to him shall file with the department at the hearing a verified statement of his claim. Upon ascertaining all claims and statements in the manner herein set forth, the department may then make demand upon the bond on behalf of those claimants whose statements have been filed, and shall have the power to settle or compromise such claims with the surety company on the bond, and is empowered in such cases to execute and deliver a release and discharge of the bond involved. Upon the refusal of the surety company to pay the demand, the department shall thereupon bring an action on the bond in behalf of such creditors. Upon any action being commenced on such bond the department may require the filing of a new bond and immediately upon the recovery in any action on such bond such broker shall file a new bond and upon failure to file the same within 10 days in either case, such failure shall constitute grounds for the suspension or revocation of his license.

(c) Upon the filing of notice with the department by any surety of its withdrawal as surety for any licensee pursuant to Section 2851 of the Civil Code, the department shall forthwith give notice to the licensee of the withdrawal which notice shall be by registered mail with request for return receipt and shall be addressed to the licensee at his principal office as shown by the records of the department. The license of any licensee shall be suspended and shall be returned to the department upon the termination of the bond of the surety as provided in Section 2851 of the Civil Code, unless, prior to the termination, a new bond has been filed with the department.

SEC. 3. Section 78.3 of the Harbors and Navigation Code is amended to read:

78.3. (a) During the month of December of each year, each person licensed under this article shall file with the department an application for renewal of his license and shall pay to the department the renewal fee required by this article, whereupon the department shall renew his license. Every license not renewed in accordance with this subdivision shall expire on January 1st of the year following the year for which it was issued or renewed and shall forthwith be returned to the department. Such license may thereafter be reinstated only upon the filing of an application therefor and in the payment of the renewal fee required by this article for the year in which reinstatement is sought, together with a penalty fee equal to 75 percent of the renewal fee. No examination shall be required for the reinstatement of a license which has expired solely for nonpayment of the renewal fee as required by this subdivision.

(b) An application for reinstatement of a license which has expired pursuant to subdivision (a) shall be on the form provided by the department and shall be affirmed or sworn to before a notary public or other person authorized by law to administer oaths and affirmations or shall be executed under penalty of perjury. The department may refuse to grant reinstatement if the applicant, after the expiration of his license, has performed any act or participated in any transaction for which a license is required by this article or during such period has committed any offense or performed any act which would be cause for the suspension or revocation of a license under this article.

(c) All fees charged and collected under this article shall be paid by the department at least once a month, accompanied by a detailed statement into the State Treasury to the credit of the Harbors and Watercraft Revolving Fund.

All fees charged and collected under this article and paid into the State Treasury are appropriated to carry out the provisions of this article and shall be paid in the manner provided by law.

The department may establish a revolving fund in such an amount as it may determine, subject to the approval of the director.

SEC. 4. Section 78.6 of the Harbors and Navigation Code is amended to read:

78.6. (a) The amount of fees prescribed by this article is that fixed by the following schedule:

(1) For every original broker's license the fee is one hundred dollars ($100), but the department may reduce the fee to not less than fifty dollars ($50).

(2) For the annual renewal of an original broker's license, regardless of class, the fee is fifty dollars ($50), but the department may reduce the fee to not less than twenty-five dollars ($25).

(3) For every original salesman's license the fee is twenty-five dollars ($25) but the department may reduce the fee to not less than ten dollars ($10).

(4) For the annual renewal of an original salesman's license, regardless of class. the fee is twenty-five dollars ($25), but the department may reduce the fee to not less than ten dollars ($10).

(b) The department shall charge and collect the following fees:

(1) Five dollars ($5) for a salesman's temporary license.

(2) Ten dollars ($10) for every license obtained by a broker for a branch office and for every renewal thereof.

(3) Five dollars ($5) for changing the name or address of a broker on the records of the department.

(4) Five dollars ($5) for every transfer of a salesman's license for every change of employment.

(5) Five dollars ($5) for a duplicate license.

(6) Ten dollars ($10) for the substitution of a name in the license of a corporation or copartnership.

(7) Ten dollars ($10) for the granting of a certificate of convenience under Section 79.

(8) Fifteen dollars ($15) for an examination.

SEC. 5. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

(a) The Board of Dental Examiners of California.

(b) The Board of Medical Examiners of the State of California.

(c) The State Board of Optometry.

(d) The California State Board of Pharmacy.

(e) The Board of Examiners in Veterinary Medicine.

(f) The State Board of Accountancy.

(g) The California State Board of Architectural Examiners.

(h) The State Board of Barber Examiners.

(i) The State Board of Registration for Civil and Professional Engineers.

(j) The Contractors' State License Board.

(k) The State Board of Cosmetology.

(*l*) The State Board of Funeral Directors and Embalmers.

(m) The Structural Pest Control Board.

(n) The Bureau of Furniture and Bedding Inspection.

(o) The California Board of Nursing Education and Nurse Registration.

(p) The State Board of Dry Cleaners.

(q) The Board of Chiropractic Examiners.

(r) The Board of Social Work Examiners of the State of California.

(s) The State Athletic Commission.

(t) The Cemetery Board.

(u) The State Board of Guide Dogs for the Blind.

(v) The Bureau of Private Investigators and Adjusters.

(w) The Certified Shorthand Reporters Board.

(x) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

(y) The California State Board of Landscape Architects.

(z) The Collection Agency Licensing Bureau.

(aa) The Bureau of Electronic Repair Dealer Registration.

(ab) The Bureau of Employment Agencies.

(ac) The Board of Osteopathic Examiners.

(ad) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 6. Section 205 of the Business and Professions Code is amended to read:

205. There is in the State Treasury the Professions and Vocations Fund. The fund shall consist of the following special funds:

Accountancy Fund.
California State Board of Architectural Examiners' Fund.
Athletic Commission Fund.
State Board of Barber Examiners' Fund.
Cemetery Fund.
Contractors' License Fund.
Board of Cosmetology's Contingent Fund.
State Dentistry Fund.
Dry Cleaners' Fund.
State Funeral Directors and Embalmers' Fund.
Bureau of Furniture and Bedding Inspection Fund.
State Board of Landscape Architects' Fund.
Contingent Fund of the Board of Medical Examiners.
Board of Nurse Examiners' Fund.
State Optometry Fund.
Pharmacy Board Contingent Fund.
Physical Therapy Fund.
Private Investigator and Adjuster Fund.
Professional Engineers' Fund.
Professional and Vocational Standards' Fund.
Registered Social Workers' Fund.
Shorthand Reporters' Fund.
Structural Pest Control Fund.
Board of Veterinary Examiners' Contingent Fund.
Vocational Nurse Examiners' Fund.

For accounting and recordkeeping purposes, the Professions and Vocations Fund shall be deemed to be a single special fund, and each of the several special funds therein shall constitute and be deemed to be a separate account in the Professions and Vocations Fund. Each such account or fund shall be available for expenditure only for such purposes as are now or may hereafter be provided by law.

SEC. 7. On the operative date of Sections 1 and 3 of this act, the assets, liabilities and surplus of the Yacht and Ship Brokers Fund shall be transferred to and become a part of the Harbors and Watercraft Revolving Fund. All existing appropriations to the extent encumbered and also those which had been made for particular projects from the Yacht and Ship Brokers Fund shall continue to be available for the same purposes and periods from the Harbors and Watercraft Revolving Fund. The assets of the Yacht and Ship Brokers Fund are appropriated to carry out the provisions of Article 5 (commencing with Section 761) of Chapter 2, Division 1 of the Harbors and Navigation Code in the same manner as before this fund was abolished.

CHAPTER 1250

An act to amend Section 1528.5 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1528.5 of the Unemployment Insurance Code is amended to read:

1528.5. (a) Money credited to the account of this state in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this part. Such money may be requisitioned pursuant to Section 1529 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this part but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(2) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law.

(3) Limits the amount which may be obligated during a fiscal year to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, during the same fiscal year and the 14 preceding fiscal years, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 15 fiscal years.

(b) Amounts credited to this state's account in the Unemployment Trust Fund under Section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount obligated for administration during a fiscal year specified herein may be charged against any amount credited during such a fiscal year earlier than the 14th preceding such fiscal year.

(c) Money appropriated pursuant to this section for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such

appropriation and, upon requisition, shall be deposited in the Unemployment Administration Fund, but, until expended, shall remain a part of the Unemployment Fund. The director and the Controller shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended shall be returned promptly to the account of this state in the Unemployment Trust Fund.

SEC. 2. There is hereby appropriated the sum of thirty-five thousand nine hundred thirty-one dollars ($35,931) for the payment of expenses incurred by the Department of Finance in examining the books of the Department of Employment, pursuant to Section 13294 of the Government Code, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended, provided that:

(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.

(b) The period within which such money may be obligated is specifically limited to the period beginning on the 61st day after the final adjournment of the 1969 Regular Session of the Legislature and ending June 30, 1970.

(c) The total amount obligated pursuant to this act during the 1969–70 fiscal year shall not exceed the amount by which (1) the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the 14 preceding fiscal years, exceeds (2) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 15 fiscal years.

CHAPTER 1251

An act to add Section 226.10 to the Civil Code, and to add Section 280 to the Penal Code, relating to adoption.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 226.10 is added to the Civil Code, to read:

226.10. During the pendency of an adoption proceeding, the child proposed to be adopted shall not be concealed within the county in which the adoption is pending; and shall not be

removed from such county, unless the petitioners or other interested persons first obtain permission for such removal from the court after giving advance written notice of intent to obtain such permission to the State Department of Social Welfare or to the licensed adoption agency responsible for the investigation of the proposed adoption. Upon proof of the giving of the notice, permission may be granted by the court if, within a period of 15 days from and after the date of the giving of the notice, no objections have been filed with the court by the State Department of Social Welfare or the licensed adoption agency responsible for investigation of the proposed adoption If objections are filed within such period by the department or the adoption agency, upon the request of the petitioners the court shall immediately set the matter for hearing and give to the objector, the petitioners, and the party or parties requesting permission for such removal reasonable notice of such hearing by certified mail to the address of each as shown in the records of the adoption proceeding. Upon a finding that the objections are without good cause, the court may grant the requested permission for removal of the child, subject to such limitations as appear to be in the best interests of the child.

This section does not apply in any of the following situations:

(a) Where the child is absent for a period of not more than 30 days from the county in which the adoption proceeding is pending, provided that a notice of recommendation of denial of petition has not been personally served on the petitioners or the court has not issued an order prohibiting the removal of the child from the county pending consideration of any of the following:

(1) The suitability of the petitioners.

(2) The care provided the child.

(3) The availability of the legally required consents to the adoption.

(b) In a proceeding for the adoption of a child by his stepparent where one natural or adoptive parent retains his or her custody and control of the child.

(c) Where the child has been returned to and remains in the custody and control of his or her natural parent or parents.

(d) Where the child has been relinquished for adoption pursuant to Section 224m and written consent for the removal of the child is obtained from the State Department of Social Welfare or the licensed adoption agency responsible for the child.

In no event, nor for any period of time, shall a child who has been relinquished for adoption pursuant to Section 224m be removed from the county in which the child was placed by any person who has not petitioned to adopt the child without first obtaining the written consent of the State Department

of Social Welfare or the licensed adoption agency responsible for the child.

A violation of this section constitutes a violation of Section 280 of the Penal Code.

Neither this section nor Section 280 of the Penal Code shall be construed to render lawful any act which is unlawful under any other applicable provision of law.

SEC. 2. Section 280 is added to the Penal Code, to read:

280. Every person who willfully causes or permits the removal or concealment of any child in violation of Section 226.10 of the Civil Code is punishable as follows:

(a) By imprisonment in the county jail for not more than one year if the child is concealed within the county in which the adoption proceeding is pending or in which the child has been placed for adoption, or is removed from such county to a place within this state; or

(b) By imprisonment in the state prison for not less than one year nor more than five years, or by imprisonment in the county jail for not more than one year if the child is removed from such county to a place outside of this state.

CHAPTER 1252

An act to add Section 996.982 to the Military and Veterans Code, relating to the Veterans Bond Act of 1968.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 996.982 is added to the Military and Veterans Code, to read:

996.982. The maximum rate of interest on the bonds authorized by this article shall not exceed 7 percent per annum.

SEC. 2. This act shall become operative only if Assembly Constitutional Amendment No. 87 of the 1969 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 87.

CHAPTER 1253

An act to amend Section 39052 of, to add Sections 39110 and 39111 to the Health and Safety Code, and to amend Section 27156 of the Vehicle Code, relating to air pollution, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 39052 of the Health and Safety Code is amended to read:

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.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(h) Adopt formal procedures, after consultation with the Department of Public Health, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures as soon as possible, but in no event later than 45 days after the effective date of the amendments to this section enacted by the Legislature at the 1968 Regular Session, specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions. These regulations are to be submitted to the Legislature by January 1, 1969.

(m) Adopt regulations specifying the manner in which motor vehicles on factory assembly lines are to be emission tested. Such tests shall take into consideration the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee as set forth in its report of April 14, 1968. Board regulations shall require manufacturers to submit copies of their test procedures and the test results to the board. These regulations are to be submitted to the Legislature by March 31, 1969.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 1.5. Section 39052 of the Health and Safety Code is amended to read:

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.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(h) Adopt formal procedures, after consultation with the Department of Public Health, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures as soon as possible, but in no event later than 45 days after the effective date of the amendments to this section enacted by the Legislature at the 1968 Regular Session, specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California,

and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions. These regulations are to be submitted to the Legislature by January 1, 1969.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars ($50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 2. Section 39110 is added to the Health and Safety Code, to read:

39110. The standards applicable under this division for exhaust emissions for gasoline-powered motor vehicles shall apply to motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel.

SEC. 3. Section 39111 is added to the Health and Safety Code, to read:

39111. The provisions of subdivision (q) of Section 39052 of, and Section 39110 of, the Health and Safety Code and of Sections 4000.1 and 27156 of the Vehicle Code shall not be applicable to an alteration or modification to use a fuel other than gasoline or diesel completed prior to the effective date of this section.

SEC. 4. Section 27156 of the Vehicle Code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a motor vehicle pollution control device under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code or any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the National Emissions Standards Act (42 U.S C., Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

"Willfully," as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

No person shall operate a vehicle after notice by a traffic officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

This section shall not apply to an alteration or modification to use a fuel other than gasoline or diesel found by the Air Resources Board to result in emissions from such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

SEC. 4.5. It is the intent of the Legislature, if amendments to Section 39052 of the Health and Safety Code proposed by both this bill and A.B. 1985 are enacted, that both amendments be given effect and incorporated in Section 39052 in the form set forth in Section 1.5 of this act. Therefore, in

the event A.B 1985 is enacted and amends Section 39052, Section 1.5 of this act shall become operative at the same time that Section 39052 as amended by A.B. 1985 becomes operative, and at that time, Section 39052 of the Health and Safety Code as amended by Section 1 of this act is repealed.

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:

Uncertainty and confusion have arisen with respect to the application of emission standards to motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel. Such application would impose an unnecessary and severe hardship upon the owners of such vehicles by requiring reconversion to the original exhaust emission control system. In order to resolve such uncertainty and confusion and to avoid unnecessary litigation, it is necessary that this act go into immediate effect.

CHAPTER 1254

An act to amend Section 10703 of the Education Code, relating to student funds.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 10703 of the Education Code is amended to read:

10703. The funds of any student body organization established in the public schools of any school district shall, subject to approval of the governing board of the school district, 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.

(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.

(c) Purchase of United States savings bonds (Series F and G) as authorized for investment by subdivision (a) of Section 16430 of the Government Code.

The funds shall be expended subject to such procedure as may be established by the student body organization subject to the approval of each of the following three persons which shall be obtained each time before any of such funds may be expended: an employee or official of the school district desig-

nated by the governing board, the certificated employee who is the designated adviser of the particular student body organization, and a representative of the particular student body organization.

CHAPTER 1255

An act to amend Sections 10960 and 10962 of the Welfare and Institutions Code, relating to public assistance appeals.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 10960 of the Welfare and Institutions Code is amended to read:

10960. Within 30 days after receiving the proposed decision of a referee adopted by the director or a decision issued by the director himself, the affected county or applicant or recipient may file a request with the director for a rehearing. The director shall immediately serve a copy of the request on the other party to the hearing and such other party may within five days of the service file with the director a written statement supporting or objecting to the request. The director shall grant or deny the request no earlier than the fifth nor later than the 15th day after the receipt of the request. If the director grants the request, the rehearing shall be conducted in the same manner and subject to the same time limits as the original hearing. If action is not taken by the director within the time allowed, the request shall be deemed denied.

SEC. 2. Section 10962 of the Welfare and Institutions Code is amended to read:

10962. The applicant or recipient or the affected county, within one year after receiving notice of the director's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or recipient or county for review of the director's decision. The director shall be the sole respondent in such proceedings. Immediately upon being served the director shall serve a copy of the petition on the other party entitled to judicial review and such party shall have the right to intervene in the proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The applicant or recipient shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

CHAPTER 1256

An act to amend Section 1248 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1248 of the Code of Civil Procedure is amended to read:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiffs. If the benefit shall be equal to the damages assessed under subdivision 2, the owner of the parcel shall be allowed no compensation except the value of the portion taken. If the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value. If the benefit shall be greater than the damages so assessed, the owner of the parcel shall be allowed no compensation except the value of the portion taken, but the benefit shall in no event be deducted from the value of the portion taken;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle guards, where fences may cross the line of such railroad; and such court, jury or referee shall

also determine the necessity for and designate the number, place and manner of making such farm or private crossings as are reasonably necessary or proper to connect the parcels of land severed by the easement condemned, or for ingress to or egress from the lands remaining after the taking of the part thereof sought to be condemned, and shall ascertain and assess the cost of the construction and maintenance of such crossings;

6. If the removal, alteration or relocation of structures or improvements is sought, the cost of such removal, alteration or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be assessed for each source of damages separately.

8. When the property sought to be taken is encumbered by a mortgage or other lien, and the indebtedness secured thereby is not due at the time of the entry of the judgment, the amount of such indebtedness may be, at the option of the plaintiff, deducted from the judgment, and the lien of the mortgage or other lien shall be continued until such indebtedness is paid; except that the amount for which, as between the plaintiff and the defendant, the plaintiff is liable under Section 1252.1 may not be deducted from the judgment.

9. Where property is encumbered by a mortgage or other lien and only a portion of the encumbered property is sought to be taken, and where the property being taken, or some portion of it, is also encumbered by a mortgage or other lien which is junior to the first-mentioned lien and such junior mortgage or other lien is against only a portion of the property encumbered by the senior mortgage or other lien, it shall be determined whether the award is sufficient in amount so that the amounts owing to the holders of such senior and junior liens may be paid in full from the award.

If it is determined that the award is not sufficient in amount to pay in full such senior and junior liens, the amount of indebtedness which is secured respectively by the senior and junior liens on the property taken, and which will be paid from the award or deducted from the judgment pursuant to subdivision 8, shall be determined as follows:

(a) The total amount of the award which will be available for payment to the senior and junior lienholders shall be determined. Such amount shall tentatively be allocated first to the senior lien up to the full amount of the indebtedness secured by the senior lien, and the remainder, if any, shall tentatively be allocated to the junior lien.

(b) It shall then be determined whether the payment to the junior lienholder of the amount tentatively allocated to the junior lien together with elimination of the junior lien on the property taken, would cause the junior lienholder's security remaining after the taking, if any, to be of less value in proportion to the indebtedness owing after the taking than was

the value of his security prior to the taking in proportion to the indebtedness to him prior to the taking.

(c) If it is determined that the proportionate security of the junior lienholder would be reduced by the taking if only the tentative amount allocated to the junior lien were paid to the junior lienholder, the tentative allocations to the senior and the junior liens shall be adjusted. To make such adjustment there shall be deducted from the amount tentatively allocated to the senior lien, and there shall be added to the amount tentatively allocated to the junior lien, an amount sufficient, considering the junior lienholder's remaining lien on property not taken, to preserve the security of the holder of the junior lien for amounts which will remain owing to him after payment to him from the award. Deduction shall not be made from the amount tentatively allocated to the senior lien to the extent that the remaining amount allocated to the senior lien, if paid to the senior lienholder, would cause the security of the senior lienholder remaining after the taking to be of less value in proportion to the amount remaining owing to him after such payment, than the value of his security prior to the taking, in proportion to the amount secured by his lien before such payment.

(d) No adjustment of the tentative allocations shall be made if it is determined that the security of the junior lienholder which will remain after the taking appears to be sufficient in value to satisfy the indebtedness which will remain owing to the junior lienholder after the taking.

The amounts tentatively allocated to such senior and junior liens, adjusted by such deduction and addition, if any, are the amounts of indebtedness owing to such senior and junior lienholders which are secured by their respective liens on the property taken, and any other indebtedness owing to the senior or junior lienholders shall not be considered as secured by the property to be taken. If the amount of such indebtedness payable to either the senior or to the junior lienholder is not due at the time of entry of the judgment, and the plaintiff makes the election provided in subdivision 8, the indebtedness which shall be deducted from the judgment is the indebtedness in the amount so determined, and the lien shall continue until that amount of indebtedness is paid.

SEC. 2. This act shall become operative on July 1, 1970.

CHAPTER 1257

An act to add Section 5989.5 to the Education Code, relating to work experience education.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 5989.5 is added to the Education Code, to read:

5989.5. The governing board of any school district which establishes and supervises a work experience education program in which mentally retarded pupils are employed in part-time jobs may use funds derived from any source, to the extent permissible by appropriate law or regulation, to pay the wages of pupils so employed.

The Legislature hereby finds and declares that the authority granted by the provisions of this section is necessary to ensure that the work experience education program will continue to provide maximum educational benefit to students, particularly mentally retarded pupils, and that such program is deemed to serve a public purpose.

CHAPTER 1258

An act to amend Section 31264 of the Education Code, relating to the College Opportunity Grant Program in junior colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 31264 of the Education Code is amended to read:

31264. To be eligible for a grant under this chapter, a student shall meet all of the following:

(a) Be a disadvantaged student under criteria to be established by the State Scholarship and Loan Commission, which shall take into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions which tend to make difficult the gaining access to and persisting in postsecondary programs.

(b) Be in need of financial assistance to attend college.

(c) Have demonstrated substantial potential for successfully participating at an institution of higher education and for future leadership in the community.

(d) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(e) Be a citizen of the United States or have been admitted to permanent residence.

(f) Be admitted to and enroll in a California public community or junior college either accredited by or accepted as a recognized candidate for accreditation by the Western Association of Schools and Colleges, or be admitted to and enroll in a California public or private college accredited by the

Western Association of Schools and Colleges as a full-time undergraduate student.

(g) Maintain satisfactory progress toward a degree and eligibility as defined by the State Scholarship and Loan Commission.

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 are several public community or junior colleges which are in various stages of being accredited by the Western Association of Schools and Colleges. Such accreditation is imminent, but may not be completed in time for students to be eligible for the College Opportunity Grant Program during the 1969–1970 school year. Therefore, it is necessary that this act take immediate effect.

CHAPTER 1259

An act to amend Sections 849, 853.6, 1278, 1287, 1295, 1305, 1458, and 1459 of, and to add Section 1320 to, the Penal Code, relating to arrested persons.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 849 of the Penal Code is amended to read:

849. (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, must, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person, must be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He is satisfied that there is no ground for making a criminal complaint against the person arrested. Any record of such arrest shall include a record of the release hereunder and thereafter shall not be deemed an arrest but a detention only.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

SEC. 2. 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, such person may, instead of being taken before a magistrate, be released according to the procedures set forth by this chapter. If the arresting officer or his superior determines that the person should be released, such officer or superior 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. If the person is not released prior to being booked and the officer in charge of the booking or his superior determines that the person should be released, such officer or superior shall prepare such written notice to appear in court.

(b) Unless waived by the person, 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 retained 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.

(i) If the arrested person is not released pursuant to the provisions of this chapter prior to being booked by the arresting agency, then at the time of booking the arresting officer, the officer in charge of such booking or his superior officer, or any other person designated by a city or county for this purpose shall make an immediate investigation into the background of the person to determine whether he should be released pursuant to the provisions of this chapter. Such investigation shall include, but need not be limited to, the person's name, address, length of residence at that address, length of residence within this state, marital and family status, employment, length of that employment, prior arrest record, and such other facts relating to the person's arrest which would bear on the question of his release pursuant to the provisions of this chapter.

SEC. 3. Section 1278 of the Penal Code is amended to read:

1278. Bail is put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An order having been made on the _____ day of _____, 19___, by _____, a judge of the Justice Court of _____ County (or as the case may be), that _____ be held to answer upon a charge of (stating briefly the nature of the offense), upon which he has been admitted to bail in the sum of _____ dollars ($_____); we, _____ and _____, of _____ (stating their place of residence and occupation), hereby undertake that the above-named _____ will appear and answer any charge in any accusatory pleading based upon the acts supporting the charge above mentioned, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and if convicted, will appear for pronouncement of judgment or grant of probation, or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties), and the defendant if he be a party to the bond, for the amount of their respective undertakings

herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 4. Section 1287 of the Penal Code is amended to read:

1287. The bail must be put in by a written undertaking, executed by two sufficient sureties (with or without the defendant, in the discretion of the court or magistrate), and acknowledged before the court or magistrate, in substantially the following form:

An indictment having been found on the _____ day of _____, 19___, in the Superior Court of the County of _____, charging _____ with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____), we, _____ and _____, of _____ (stating their place of residence and occupation), hereby undertake that the above-named _____ will appear and answer any charge in any accusatory pleading based upon the acts supporting the indictment above mentioned, in whatever court it may be prosecuted, and will at all times render himself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgment or grant of probation; or, if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said (naming the sureties, and the defendant if he be a party to the bond), for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the Penal Code.

SEC. 5. Section 1295 of the Penal Code is amended to read:

1295. The defendant, or any other person, at any time after an order admitting defendant to bail or after the arrest and booking of a defendant for having committed a misdemeanor, instead of giving bail may deposit with the clerk of the court in which the defendant is held to answer or notified to appear for arraignment, the sum mentioned in the order, or if no order, in the schedule of bail previously fixed by the judges of said court, and upon delivering to the officer in whose custody defendant is a certificate of the deposit, defendant must be discharged from custody.

Where more than one such deposit is made with respect to any charge in any accusatory pleading based upon the acts supporting the original charge as a result of which an earlier deposit was made, the defendant shall receive credit in the amount of any such earlier deposit.

SEC. 6. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully re-

quired, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars ($50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted the bond shall not constitute compliance with this section; the clerk shall at the same time send a copy of such notice to the bail agent or solicitor who posted the bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is dead or is otherwise permanently unable to appear in court due to illness, insanity, or detention by civil or military authorities, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is temporarily disabled by reason of illness, insanity, or detention by civil or military authorities and is therefore unable to appear in court at any time during the remainder of such 180 days, and that the absence of the defendant has not been with the connivance of the bail, then the period of time during which the disability continues shall not be deemed part of such 180 days. Upon a finding by the court that a reasonable period of time is necessary in order to return the defendant to court upon the termination of the disability, then such period of time, as fixed by the court, shall not be deemed part of such 180 days. If at any time within 180 days after such entry in the minutes or mailing as the case may be, the bail should surrender the defendant to the court or to custody, the court shall direct the forfeiture of the

undertaking or the deposit to be discharged upon such terms as may be just.

No order discharging the forfeiture of the undertaking or deposit shall be made without opportunity for hearing and the filing of a notice of motion for such order setting forth the basis for relief, with proof of service upon the district attorney or other representative of the people at least 10 days prior to the time set for hearing of the motion and otherwise in compliance with the provisions of Section 1010 of the Code of Civil Procedure. Such notice may be given by the surety insurer, its bail agent, the surety, or depositor of money, any of whom may give such notice and appear either in person or by attorney. Such notice of motion must be filed within 180 days after such entry in the minutes or mailing as the case may be, and must be heard and determined within 30 days after the expiration of such 180 days, unless the court for good cause shown, shall extend the time for hearing and determination.

SEC. 7. Section 1320 is added to the Penal Code, to read:

1320. Whenever a person is detained in custody on a criminal charge prior to conviction for want of bail, such person is entitled to an automatic review of the order fixing the amount of his bail by the judge or magistrate having jurisdiction of the offense. Such review shall be held not later than five days from the time of the original order fixing the amount of his bail.

SEC. 8. Section 1458 of the Penal Code is amended to read:

1458. The provisions of this code relative to bail are applicable to bail in cases triable in inferior courts. The defendant, at any time after his arrest and before conviction, may be admitted to bail. The undertaking of bail in such a case shall be in substantially the following form:

A complaint having been filed on the _____ day of _____, 19___, in the _____ Court of _____ County of _____ (stating title and location of court) charging _____ (naming defendant) as defendant with the crime of _____ (designating it generally) and he having been admitted to bail in the sum of _____ dollars ($_____) (stating amount);

We, _____ and _____, of _____ (stating their places of residence and occupation), hereby undertake that the above-named defendant will appear and answer any charge in any accusatory pleading based upon the acts supporting the complaint above mentioned and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold himself amenable to the orders and process of the court, and, if convicted, will appear for pronouncement of judgment or grant of probation or if he fails to perform either of these conditions, that we will pay to the people of the State of California the sum of _____ dollars ($_____) (inserting the sum in which the defendant is admitted to bail). If the for-

feiture of this bond is ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (naming the sureties and the defendant if he is a party to the bond) for the amount of their respective undertakings herein, as provided by Sections 1305 and 1306 of the California Penal Code.

SEC. 9. Section 1459 of the Penal Code is amended to read:

1459. Undertakings of bail filed in inferior courts by admitted surety insurers shall meet all other requirements of law and the obligation of the insurer shall be in the following form:

_____ (stating the title and the location of the court).

Defendant _____ (stating the name of the defendant) having been admitted to bail in the sum of _____ dollars ($_____) (stating the amount of bail fixed) and ordered to appear in the above-entitled court on _____, 19___ (stating the date for appearance in court), on _____ (stating only the word "misdemeanor" or the word "felony") charge/s;

Now, the _____ (stating the name of admitted surety insurer and state of incorporation) hereby undertakes that the above-named defendant will appear in the above-named court on the date above set forth to answer any charge in any accusatory pleading based upon the acts supporting the complaint filed against him/her and all duly authorized amendments thereof, in whatever court it may be prosecuted, and will at all times hold him/herself amenable to the orders and process of the court and, if convicted, will appear for pronouncement of judgment or grant of probation or if he/she fails to perform either of these conditions, that the _____ (stating the name of admitted surety insurer and state of incorporation) will pay to the people of the State of California the sum of _____ dollars ($_____) (stating the amount of the undertaking of the admitted surety insurer).

If the forfeiture of this bond be ordered by the court, judgment may be summarily made and entered forthwith against the said _____ (stating the name of admitted surety insurer and state of incorporation) for the amount of its undertaking herein, as provided by Sections 1305 and 1306 of the California Penal Code.

_____

(Stating the name of admitted surety insurer and state of incorporation),

(Signature)

By _____

Attorney in fact

(Corporate seal)

(Jurat of notary public
or other officer authorized
to administer oaths.)

SEC. 10. This act shall apply only prospectively.

CHAPTER 1260

An act to amend Section 1777.5 of the Labor Code, relating to public works, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1777.5 of the Labor Code is amended to read:

1777.5. Nothing in this chapter shall prevent the employment of properly indentured apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is indentured.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply in each such case to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area of the site of the public work. The committee shall issue a certificate fixing the number of apprentices or the ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work. The ratio shall not exceed that stipulated in the apprenticeship standards under which the joint apprenticeship committee operates, but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, shall, upon the issuance of the approval certificate in each such craft or trade, employ the number of apprentices or the ratio of apprentices to journeymen fixed in the certificate issued by the joint apprenticeship committee. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of his contracts on an annual average of not less than one apprentice to each

eight journeymen, the Division of Apprenticeship Standards shall grant a certificate exempting the contractor from the 1-to-5 ratio as set forth in this section.

"Apprenticeable craft or trade," as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have the discretion to grant a certificate exempting a contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

(a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or

(b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or

(c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journeymen annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.

(d) If assignment of an apprentice to any work performed under a public works contract would create a condition which would jeopardize his life or the life, safety, or property of fellow employees or the public at large or if the specific task to which the apprentice is to be assigned is of such a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis the member contractors will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund or funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same amount or upon the same basis and in the same manner as the other contractors do. The contractor or subcontractor may add the amount of such contributions in computing his bid for the contract. The Division of Labor Law Enforcement is authorized to enforce the payment of such contributions to the fund or funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section.

In the event a contractor willfully fails to comply with this section, such contractor shall be denied the right to bid on a

public works contract for a period of six months from the date the determination is made.

The interpretation and enforcement of this section shall be in accordance with the rules and procedures prescribed by the Apprenticeship Council.

All decisions of the joint apprenticeship committee under this section are subject to the provisions of Section 3081.

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 1968 amendments to this section created difficulties in contract negotiations, the subject matter of which is vital to the public welfare, and in the ability of contractors to meet the requirements of this section. This act must take effect immediately to solve these difficulties.

CHAPTER 1261

An act to amend Section 11583 of the Insurance Code, relating to payment of insurance claims.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 11583 of the Insurance Code is amended to read:

11583. No advance payment or partial payment of damages made by any person, or made by his insurer under liability insurance as defined in subdivision (a) of Section 108, as an accommodation to an injured person or on his behalf to others or to the heirs at law or dependents of a deceased person because of an injury or death claim or potential claim against any person or insured shall be construed as an admission of liability by the person claimed against, or of that person's or the insurer's recognition of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall, however, constitute a credit and be deductible from any final settlement made or judgment rendered with respect to such injured or deceased person which does not expressly take into account such advance payments. Any person, including any insurer, who makes such an advance or partial payment, shall at the time of beginning payment, notify the recipient thereof in writing of the statute of limitations applicable to the cause of action which such recipient may bring against such person as a result of such injury or death, including any time limitations within which claims are required to be made against the state

or any local public entity when such payments are made on behalf of such public entities. Failure to provide such written notice shall operate to toll any such applicable statute of limitations or time limitations from the time of such advance or partial payment until such written notice is actually given.

CHAPTER 1262

An act to amend Section 13341 of the Education Code, relating to teacher-training institutions.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13341 of the Education Code is amended to read:

13341. The governing board of any school district, a county board of education, or the State Department of Education may execute a contract with any California teacher-training institution whereby certificated personnel of the school district, county, or the State Department of Education may be assigned to the teacher-training institution for full-time or part-time duty for a period not to exceed one year.

Any teacher-training institution in California may execute a contract with the governing board of any school district, a county board of education, or the State Board of Education whereby certificated personnel of the institution may be assigned to school districts, county boards of education, or the State Department of Education for full-time or part-time duty for a period not to exceed one year.

Any such contract shall provide for the payment, by the entity to which a person is assigned to the employer, of a sum equivalent to the salary and other employment costs of any such employee. In place of such payment, the contract may provide for the exchange of certificated personnel between the district, county, or State Department of Education and the teacher-training institution. Any such employee shall retain his status as an employee of the school district, county, State Department of Education, or teacher-training institution from which he is assigned in all respects during the period of such assignment.

CHAPTER 1263

An act to amend Section 1110 of the Health and Safety Code, relating to the California Conference of Local Health Officers.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1110 of the Health and Safety Code is amended to read:

1110. There is hereby established a California Conference of Local Health Officers with which the board and the state department shall consult in establishing standards as provided in this chapter and may consult on other matters affecting health. The conference may consult with, advise, and make recommendations to the State Department of Public Health, other departments, boards, commissions and officials of federal, state, and local government, the Legislature, and any other organization or association on matters affecting health. The conference shall consist of all legally appointed local health officers in the state. It shall organize, adopt bylaws, and shall annually elect officers.

Actual and necessary expenses, including any necessary registration fee, incident to attendance at not more than two meetings per year of the conference shall be a legal charge against the local governmental unit. Actual and necessary expenses incident to attendance at special meetings of the committees of the conference called by the director shall be a legal charge against any funds available for administration of this chapter.

CHAPTER 1264

An act to add Chapter 5 (commencing with Section 23700) to Division 1 of Title 3 of, and Chapter 3 (commencing with Section 34450) to Part 1 of Division 2 of Title 4 of, and to repeal Chapter 3 (commencing with Section 34450) of Part 1, Division 2, Title 4 of, the Government Code, relating to codification of various provisions to be omitted from the California Constitution in its revision.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Chapter 5 (commencing with Section 23700) is added to Division 1, Title 3 of the Government Code, to read:

CHAPTER 5. COUNTY CHARTERS

Article 1. Proposing a Charter

23700. Counties may propose charters or revise existing charters according to the provisions of this chapter.

23701. Proceedings to propose or revise a charter may be initiated by ordinance, adopted by a majority vote of the members of the governing body of each county. The ordinance shall declare that the public interest requires the election of

a charter commission composed of 15 qualified electors of the county, to be elected by the qualified electors of the county, at a general or special election. Proceedings to propose or revise a charter may also be initiated by a petition of qualified electors of the county as provided in this chapter.

23702. Petitions to propose or revise a charter shall be signed by at least 15 percent of the qualified electors of the county, computed upon the total number of votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, and shall request the election of a charter commission to prepare and propose or revise a charter for the county. It shall be filed in the office of the county clerk.

23703. It shall be the duty of the county clerk, within 20 days after the filing of the petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether the petition is signed by the requisite number of qualified electors. If required by the clerk, the governing body shall authorize him to employ persons specially to assist him in the work of examining the petition, and shall provide for their compensation.

23704. Upon the completion of such examination, the clerk shall attach to the petition his certificate, properly dated, showing the result thereof; and if, by such certificate, it shall appear that the petition is signed by the requisite number of qualified electors, the clerk shall immediately present the petition to the governing body, if it be in session, otherwise at its next regular meeting after the date of such certificate.

23705. Upon the adoption of such ordinance, or the presentation of such petition, the governing body shall order the holding of a special election for the purpose of electing a charter commission, which special election shall be held not less than 20 days nor more than 60 days after the adoption of the ordinance or the presentation of the petition to the governing body. If a general election shall occur in the county not less than 20 days nor more than 60 days after the adoption of the ordinance, or the presentation of the petition to the governing body, the charter commissioners may be elected at such general election.

23706. Candidates for election as members of the charter commission shall be nominated substantially in the same manner provided by general law for the nomination of candidates for county offices.

23707. At such election the electors shall vote first on the question "Shall a charter commission be elected to propose or revise a charter?" and secondly, for the candidates for the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting at such election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith orga-

nize as a charter commission, but if the first question receives less than a majority of the votes of the qualified voters voting at such election, no charter commission shall be deemed to have been elected.

23708. It shall be the duty of the charter commission to prepare and propose a charter or revised charter for the county, which shall be signed in duplicate by the members of the charter commission, or a majority of them, and be filed, one copy in the office of the county clerk and the other in the office of the county recorder.

23709. The governing body shall cause the proposed charter or revised charter to be published for at least 10 times in a daily newspaper of general circulation, printed, published and circulated in the county. In any county where no such daily newspaper is printed, published and circulated, the proposed or revised charter shall be published for at least three times in at least one weekly newspaper of general circulation, printed, published and circulated in the county. In any county where neither a daily nor weekly newspaper is printed, published and circulated, a copy of such proposed or revised charter shall be posted by the county clerk in three public places in the county, and on or near the entrance to at least one public schoolhouse in each school district in the county. The first publication or the posting of a proposed or revised charter shall be made within 15 days after the filing of a copy thereof, in the office of the county clerk.

23710. The proposed charter or revised charter shall be submitted by the governing body to the qualified electors of the county at a special election held not less than 30 days nor more than 60 days after the completion of the publication, or posting provided for in Section 23709. If a general election shall occur in the county not less than 30 days nor more than 60 days after the completion of the publication, or posting, then the proposed or revised charter may be submitted at the general election.

23711. As an alternative to the procedure provided for in Sections 23700 through 23710 of this article, the governing body of any county, on its own motion may propose or cause to be proposed or revise or cause to be revised, a proposed charter and submit the proposal for adoption to the electors at either a special election called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as provided for the advertisement of a charter proposed by a charter commission; and the election on such charter shall be held at a date to be fixed by the governing body of the county, which shall be not less than 40 nor more than 60 days after the completion of the advertising in the official paper.

23712. If the electors, voting at a general or special election, shall vote in favor of the charter proposed or revised by a charter commission or the governing body of a county, it

shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by the majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters provided therein, and supersede any existing charter, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter.

23713. A copy of the charter, certified and authenticated by the chairman and clerk of the governing body under the seal of the governing body and attested by the county clerk of the county, setting forth the submission of the charter to the electors of the county, and its ratification by them shall, after the approval of the charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of the county, shall be filed in the office of the county clerk, and thereafter all courts shall take judicial notice of the charter.

Article 2. Charter Amendment and Repeal

23720. (a) A county charter may be amended by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the county, computed upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected, filed in the office of the county clerk of the county, petitioning the governing body to submit a proposed amendment or amendments to the charter of the county to the qualified electors of the county, which amendment or amendments are set forth in full in such petition.

(b) A county charter may be repealed by proposals submitted by the governing body or by a petition signed by 10 percent of the qualified electors of the county computed upon the total number of votes cast in the county for all candidates for Governor at the last general election at which a Governor was elected. Such petition, petitioning the governing body to submit the question of charter repeal to the qualified electors of the county, shall be filed in the office of the county clerk of the county.

23721. The petition shall forthwith be examined and certified by the county clerk as provided in Section 23703 for petitions for the election of a charter commission, and if signed by the requisite number of qualified electors of the county, shall be presented to the governing body, by the county clerk.

23722. Upon the presentation of a petition, or upon its own submission of a proposal to amend or repeal the charter, the governing body shall submit the amendment or amendments

proposed or the question of the repeal of the charter to the qualified electors of the county at a general or special election held not less than 30 days nor more than 60 days after the publication of such proposal in the same manner as that provided in Section 23709 for a proposed or revised charter. In submitting the question of charter repeal or amendment, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

23723. If the majority of electors voting, at a general or special election, shall vote in favor of the proposed amendment or amendments or in favor of charter repeal, the amendment or amendments or charter repeal shall be deemed to be ratified. Any charter amendment or amendments so ratified shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as provided in this chapter for the approval of the charter, such charter shall be amended accordingly.

23724. A copy of the amendment or amendments shall, after approval by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed in the same manner as provided in Section 23713 for the charter, and with like force and effect.

Article 3. Elections

23730. Every special election held under the provisions of this chapter, for the election of a charter commission or for the submission of a proposed or revised charter, or any amendment or amendments thereto, or repeal thereof, shall be called by the governing body, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct.

23731. Such ordinance, referred to in Section 23730, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in the county. If no daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in the county and in or near the entrance to at least one public schoolhouse in each school district. In all other respects, every such election shall be held and conducted, the returns canvassed and the result declared by the governing body in the same manner as provided by law for general elections.

23732 Whenever a charter commission shall be elected, or any such proposed charter or revised charter, or amendment

or amendments thereto, or repeal thereof, shall be submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed insofar as the same may be applicable.

SEC. 2. Chapter 3 (commencing with Section 34450) of Part 1, Division 2, Title 4 of the Government Code is repealed.

SEC. 3. Chapter 3 (commencing with Section 34450) is added to Part 1, Division 2, Title 4 of the Government Code, to read:

CHAPTER 3. CITY CHARTERS

34450. Any city or city and county may propose or revise a charter for its own government according to the provisions of this article.

34451. The charter may be proposed or revised by a charter commission chosen by the electors of the city or city and county, at any general or special election, but no person shall be eligible as a candidate for such commission unless he is an elector of the city or city and county.

34452. An election for choosing charter commissioners may be called by a majority vote of the governing body of the city or city and county, or on presentation of a petition signed by not less than 15 percent of the registered electors of such city or city and county. The governing body shall call such election at any time not less than 30 nor more than 60 days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of the city or city and county and the expenses of such verification shall be provided by the governing body thereof.

34453. At such election the electors shall vote first on the question "Shall a charter commission be elected to propose a new charter or to revise the charter?" and secondly for the candidates of the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting thereon at such election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith organize as a charter commission, but if the first question receives less than a majority of the votes of the qualified voters voting thereon at such election no charter commission shall be deemed to have been elected.

34454. Candidates for the office of charter commissioner shall be nominated either in such manner as may be provided for the nomination of officers of the municipal or city and county government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

34455. The charter commissioners shall propose a charter for the government of the city or city and county or revise a charter. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of

the clerk of the governing body of the city or city and county. The governing body of the city or city and county shall, within 15 days after such filing, cause such charter to be published once in the official newspaper of said city or city and county and in each edition thereof, during the day of publication. In case there is no such official newspaper, the charter shall be published in a newspaper of general circulation within such city or city and county and in all the editions thereof issued during the day of publication.

34456. In any city or city and county with over 50,000 population, the governing body shall cause copies of the charter to be printed in convenient pamphlet form and in type of not less than 10-point and shall cause copies to be mailed to each of the qualified electors of the city or city and county, and shall, until the day fixed for the election upon the charter, advertise in one or more newspapers of general circulation in said city or city and county a notice that copies may be had upon application therefor.

34457. The proposed or revised charter shall be submitted to the electors of the city or city and county at a date to be fixed by the charter commission before its filing and designated on the charter, either at a special election held not less than 60 days from the completion of the publication of the charter as provided in this article, or at the general election next following the expiration of said 60 days.

34458. As an alternative to the procedure provided for in Sections 34450 through 34457 of this article, the governing body of any city or city and county, on its own motion may propose or cause to be proposed or revise or cause to be revised, a charter and submit the proposal for the adoption or revision thereof to the electors at either a special election called for that purpose or at any general or special election. Any charter so submitted shall be advertised in the same manner as provided for the advertisement of a charter proposed by a charter commission; and the election on such charter shall be held at a date to be fixed by the governing body of the city or city and county, which shall be not less than 40 nor more than 60 days after the completion of the advertising in the official paper.

34459. The charter of any city or city and county may be amended or repealed by proposals submitted by the governing body on its own motion or by petition signed by 15 percent of the registered electors, or both. Such proposals shall be submitted to the electors at either a special election called for that purpose or at any general or special election.

34460. Petitions for the submission of any amendment or petitions for the repeal of a charter shall be filed with the governing body of the city or city and county not less than 60 days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the regis-

tration records of the city or city and county, and the expenses of such verification shall be provided by the governing body thereof.

34461. If the petitions have a sufficient number of signatures the governing body of the city or city and county shall submit the amendment or amendments proposed or the proposal for charter repeal to the electors. Amendments proposed by the governing body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted or the proposal for charter repeal shall be advertised in the same manner as provided for the advertisement of a proposed or revised charter, and the election on the proposed amendments or the proposal for charter repeal shall be held at a date to be fixed by the governing body of the city or city and county, which is not less than 40, and not more than 60, days after the completion of the advertising in the official paper.

34462. The percentages of the registered electors required for the election of charter commissioners or the submission of amendments to charters or the proposal for charter repeal shall be calculated upon the total vote cast for all candidates for Governor in the city or city and county at the last preceding general state election at which a Governor was elected; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city, or city and county shall, so far as applicable, govern all elections held under the authority of this section.

34463. One copy of the charter ratified and approved in accordance with the provisions of this article shall be filed with the Secretary of State, one with the recorder in the county in which such city is located, and one in the archives of the city, and in the case of a city and county one copy shall be filed with the recorder thereof, and one in the archives of such city and county; and thereafter the courts shall take judicial notice of the provisions of such charter.

SEC. 4. This act shall become operative only if Assembly Constitutional Amendment No. 29 of the 1969 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 29.

CHAPTER 1265

An act to amend Sections 1052 and 10604 of, and to add Section 10604.3 to, the Education Code, relating to school government.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1052 of the Education Code is amended to read:

1052. The governing board of any school district shall prescribe rules not inconsistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction.

SEC. 2. Section 10604 of the Education Code is amended to read:

10604. It is unlawful for any pupil, enrolled in any elementary or secondary school of this state, to join or become a member of any secret fraternity, sorority, or club, wholly or partly formed from the membership of pupils attending the public schools, or to take part in the organization or formation of any fraternity, sorority, or secret club. Nothing in this section shall be construed to prevent any pupil from joining the order of the Native Sons of the Golden West, Native Daughters of the Golden West, Foresters of America, or other kindred organizations not directly associated with the public schools of the state.

SEC. 3. Section 10604.3 is added to the Education Code, to read:

10604.3. Any governing board may enforce the provisions of Section 1052 by suspending, or, if necessary, expelling a pupil in any elementary or secondary school who refuses or neglects to obey any rules prescribed pursuant to that section.

CHAPTER 1266

An act to amend Section 6650 of the Government Code, relating to state-supported bands or orchestras.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 6650 of the Government Code is amended to read:

6650. (a) Any marching band organized by or maintained by any educational institution supported in whole or in part by public funds or granted any tax exemption as an educational institution may furnish music at any athletic event where an admission is charged by any private person, partnership operating for profit, or corporation organized for profit only under the following conditions:

(1) The performance is authorized by the governing body of the institution;

(2) A band or orchestra of not less than the number of professional musicians customarily engaged for the athletic event

in the particular auditorium, stadium, or place of performance or 15 professional union musicians, whichever is greater, is employed to furnish music at the event; and

(3) Neither the person, partnership, or corporation, nor the agent thereof, advertises or makes known to the public by any means or through any medium the pending performance of such marching band as an added attraction to the event itself; provided, however, that any person by any means or through any medium including radio or television may identify such marching band to the public at the actual moment of performance or thereafter.

(b) Any band or orchestra organized by or maintained by any institution supported in whole or in part by public funds or granted any tax exemption as an educational institution may furnish music at any activity of any other such institution when authorized by its governing board.

It is the intention of the Legislature to encourage the musicianship of California's student bandsmen in marching bands but in no way to reduce employment opportunities for professional musicians. Private employers of professional musicians are to be advised that the Legislature intends to encourage such employers to invite California's student marching bands to perform but not to regard such specialized marching performances as providing a substitute for the performance of regularly employed professional musicians which would ordinarily be required by such employers for such admission-paid events, in the absence of any performance at the same event by a student marching band.

CHAPTER 1267

An act to add Section 163.1 to the Military and Veterans Code, relating to records.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 163.1 is added to the Military and Veterans Code, to read:

163.1. All records of any special proceedings of any board of inquiry convened by the commanding general of the state military forces to investigate the causes of any accidents involving National Guard aircraft, the purpose of which investigation is prevention of future accidents, shall not be admissible for any purpose in evidence in any court of this state.

Whenever any such accident involves property damage or personal injury, a collateral investigation shall be conducted to ascertain the causes of such accidents and the records of any collateral investigations shall be discoverable under the appropriate sections of the Code of Civil Procedure.

CHAPTER 1268

An act to add Section 21301 to the Government Code, relating to the retirement of public officers and employees.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 21301 is added to the Government Code, to read:

21301. Upon retirement for disability, any state miscellaneous member with 20 or more years of state service may elect to receive credit as state service for purposes of computing his disability retirement allowance, any continuous period of military service not in excess of three years terminating within 10 days of the date he entered state service if (a) he was employed by a federal or local public agency within 30 days of the time of the commencement of such military service, (b) he is not entitled to retirement benefits with respect to such service in any other public retirement system and (c) he makes payment at times and in the manner prescribed by the board of an amount equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his state service.

CHAPTER 1269

An act to amend Section 3501 of the Government Code, relating to firefighters.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 3501 of the Government Code is amended to read:

3501. As used in this chapter:

(a) "Employee organization" means any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency.

(b) "Recognized employee organization" means an employee organization which has been formally acknowledged by the public agency as an employee organization that represents employees of the public agency.

(c) Except as otherwise provided in this subdivision, "public agency" means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation

and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, "public agency" does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided in Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code.

(d) "Public employee" means any person employed by any public agency, including employees of the fire departments and fire services of the state, counties, cities, cities and counties, districts, and other political subdivisions of the state, excepting those persons elected by popular vote or appointed to office by the Governor of this state.

(e) "Mediation" means effort by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized employee organization or recognized employee organizations through interpretation, suggestion and advice.

CHAPTER 1270

An act to amend the title of Chapter 10 (commencing with Section 6950) of Division 6 and Sections 6950, 6957, 10507, and 10508 of the Education Code, relating to education.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. The title of Chapter 10 (commencing with Section 6950), Division 6 of the Education Code is amended to read:

CHAPTER 10. EDUCATION OF NONIMMIGRANT CHILDREN, NONCITIZEN CHILDREN WITHOUT IMMIGRATION STATUS, AND CHILDREN RESIDING IN CHILDREN'S INSTITUTIONS

SEC. 2. Section 6950 of the Education Code is amended to read:

6950. Whenever a school district provides education in kindergarten or grades 1 through 12 for nonimmigrant children or noncitizen children without immigration status, the district shall be reimbursed for the actual cost of educating each such nonimmigrant child or noncitizen child without immigration status by the county or city and county in which the school district is located. For the purposes of this chapter, such nonimmigrant child or noncitizen child without immigration

status shall be deemed to be a resident of such county or city and county.

For the purpose of this section a "nonimmigrant child" is defined as an alien having a residence in a foreign country which he has no intention of abandoning, who is legally admitted to the United States as a nonimmigrant student or visitor, and who seeks to pursue a course of study in the public schools of this state. For the purpose of this section a "noncitizen child without immigration status" is defined as a child living in the United States who is not a citizen of the United States, who is without documentary evidence of United States immigration status, and who seeks to pursue or is pursuing a course of study in the public schools of this state.

SEC. 3. Section 6957 of the Education Code is amended to read:

6957. The State Superintendent of Public Instruction may furnish the forms and shall prescribe the procedures required of school districts and county superintendents of schools under this chapter, and shall adopt all rules and regulations necessary for carrying out its provisions.

Such rules and regulations shall require the county superintendent of schools to list the nonimmigrant children and noncitizen children without immigration status by name and address and submit such list to the board of supervisors. The board of supervisors shall forward a copy of such list to the appropriate regional office of the United States Immigration and Naturalization Service.

SEC. 4. Section 10507 of the Education Code is amended to read:

10507. Any person, otherwise eligible for admission to any class or school of a school district of this state, whose parents are or are not citizens of the United States, whose actual and legal residence is in a foreign country adjacent to this state, and who regularly returns within a 24-hour period to said foreign country may be admitted to the class or school of the district by the governing board of the district.

SEC. 5. Section 10508 of the Education Code is amended to read:

10508. The governing board of the district shall, as a condition precedent to the admission of any person, under Section 10507, require the parent or guardian of such person to pay to the district an amount not more than sufficient to reimburse the district for the total cost of educating the person, including the total of the amounts expended per pupil for the current expenses of education, the use of buildings and equipment, the repayment of local bonds and interest payments and state building loan funds, capital outlay, and transportation to and from school. The per pupil cost attributable to capital outlay shall be on the basis of an average expenditure for the preceding five years. The cost of transportation shall not exceed ten dollars ($10) per month. Tuition payments shall be

made in advance for each month or semester during the period of attendance. If the amount paid is more or less than the total cost of education and transportation, adjustment shall be made for the following semester or school year. The attendance of the pupils shall not be included in computing the average daily attendance of the class or school for the purpose of obtaining apportionment of state funds. The school district shall not be eligible for nonimmigrant or noncitizen reimbursement under the provisions of Chapter 10 (commencing with Section 6950) of Division 6 of this code for these students.

CHAPTER 1271

An act to amend Section 31691 of the Government Code, relating to the County Employees Retirement Law.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 31691 of the Government Code is amended to read:

31691. The board of supervisors of any county by ordinance or the governing body of any district under the County Employees Retirement Law may by ordinance or resolution provide for the contribution by the county or district from its funds and not from the retirement fund toward the payment of all or a portion of the premiums on a policy or certificate of life insurance or disability insurance issued by an admitted insurer, or toward the payment of all or part of the consideration for any hospital service or medical service corporation, including any corporation lawfully operating under Section 9201 of the Corporations Code, contract, or for any combination thereof, for the benefit of any member heretofore or hereafter retired or his dependents. At least one of these plans shall include free choice of physician and surgeon.

The benefits provided by this section are in addition to any other benefits provided by this chapter (commencing with Section 31450).

The board of retirement may provide on behalf of a member who has retired for the benefits enumerated herein from the earnings of the retirement fund which are in excess of the total interest credited to contributions and reserves plus 1 percent of the total assets of the retirement fund. The board may provide for the benefits enumerated from like sources when the board of supervisors or the governing body of a district has elected to provide these benefits to its active employees, even though they are not provided to those who have retired from the service of the county or district.

CHAPTER 1272

An act to amend Section 5008 of the Penal Code and to amend Sections 1752.8 and 4125 of the Welfare and Institutions Code, relating to state trust moneys.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1752.8 of the Welfare and Institutions Code is amended to read:

1752.8. The Director of the Youth Authority may deposit any funds of wards committed to the authority in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any ward with the funds of other wards. The director may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. The director may expend the moneys of any such fund for the education or entertainment of the wards of the Youth Authority. The funds of a ward committed to the Youth Authority or a person on parole from the Youth Authority shall not be deposited in interest-bearing bank accounts or invested and reinvested pursuant to this section, except when authorized as follows:

(a) By a ward over age 21 years;

(b) By the parent or guardian of a minor ward;

(c) By the Department of General Services on behalf of a minor ward who has no parent or guardian.

Interest shall be paid from the "Benefit Fund" on the funds of a ward or person on parole from the Youth Authority upon the withdrawal of such funds from his account, at a rate not exceeding 6 percent, and under such conditions, as specified in the regulations of the Youth Authority.

SEC. 2. Section 4125 of the Welfare and Institutions Code is amended to read:

4125. The Director of Mental Hygiene may deposit any funds of patients in the possession of each hospital administrator of a state hospital in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3,

Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any patient with the funds of other patients. The hospital administrator with the consent of the patient may deposit the interest or increment on the funds of a patient in the state hospital in a special fund for each state hospital, to be designated the "Benefit Fund," of which he shall be the trustee. He may, with the approval of the Director of Mental Hygiene, expend the moneys in any such fund for the education or entertainment of the patients of the institution.

On and after December 1, 1970, the funds of a patient in a state hospital or a patient on leave of absence from a state hospital shall not be deposited in interest-bearing bank accounts or invested and reinvested pursuant to this section except when authorized by the patient; any interest or increment accruing on the funds of a patient on leave of absence from a state hospital shall be deposited in his account; any interest or increment accruing on the funds of a patient in a state hospital shall be deposited in his account, unless such patient authorizes their deposit in the state hospital's "Benefit Fund."

Any state hospital charges for patient care against the funds of a patient in the possession of a hospital administrator or deposited pursuant to this section and which are used to pay for such care, shall be stated in an itemized bill to the patient.

SEC. 3. Section 5008 of the Penal Code is amended to read:

5008. The Director of Corrections shall deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, except that the Director of Corrections, when specifically authorized on a separate written form by the inmate and subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest or reinvest such funds in any of the securities which are described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director shall deposit the interest or increment accruing on such funds in the Inmates' Welfare Fund. Any interest or increment accruing on the funds of a parolee shall be deposited in his account.

CHAPTER 1273

An act authorizing the conveyance of all lands included within Puddingstone State Recreation Area to the County of Los Angeles, and stating terms and conditions of such conveyance.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. The Director of Parks and Recreation is authorized to grant to the County of Los Angeles, all the right, title and interest of the State of California to all lands included within the Puddingstone State Recreation Area upon such conditions as are set forth in Sections 2, 3 and 4 of this act.

SEC. 2. Within two years from the effective date of this act, the County of Los Angeles shall cause a master plan for the development of such land to be prepared, which plan shall be subject to the approval of the Director of Parks and Recreation.

SEC. 3. The County of Los Angeles shall develop such land in accordance with the approved master plan.

SEC. 4. The land conveyed hereunder shall be wholly devoted to park and recreational uses.

SEC. 5. Upon breach of any of the conditions set forth in Sections 2, 3 and 4 of this act, all right, title, and interest of the County of Los Angeles in and to all lands granted by this act shall cease and the lands shall revert and rest in the state under the administration of the Department of Parks and Recreation.

SEC. 6. The provisions of Sections 2, 3, 4, and 5 of this act shall not apply to any land transferred by the Department of Parks and Recreation or by the County of Los Angeles to the Department of Public Works.

CHAPTER 1274

An act to amend Section 14105 of the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 14105 of the Welfare and Institutions Code is amended to read:

14105. The director shall prescribe the policies to be followed in the administration of this chapter and the scope of the services to be provided, and may limit the rates of payment for such services, and shall adopt such rules and regulations as are necessary for carrying out, not inconsistent with, the provisions thereof.

Such policies and regulations shall include rates for payment for services not rendered under a contract pursuant to Section 14104. Standards for costs shall be based on payments of the reasonable cost for such services. Cost reports and other data submitted by providers to a state agency for the purpose of determining reasonable costs for services or establish-

ing rates of payment shall be considered true and correct unless audited within eighteen (18) months after July 1, 1969, the close of the period covered by the report, or after the date of submission of the original or amended report by the provider, whichever is later.

Nothing in this section shall be construed to limit the correction of cost reports or rates of payment when inaccuracies are determined to be the result of intent to defraud, or when a delay in the completion of an audit is the result of willful acts by the provider or inability to reach agreement on the terms of final settlement.

Insofar as practical, consistent with the efficient and economical administration of this part, the department shall afford recipients of public assistance free choice of arrangements under which they shall receive health care.

In establishing the scope of services to be provided, the director shall provide for recipients at least for a minimum coverage as defined in Section 14056, and insofar as possible shall include other health care and related remedial or preventive services giving priority to those services which are considered to have the greatest value in preventing or reducing the likelihood of future high cost medical services.

Notwithstanding the provisions of the preceding paragraph, and in accordance with the intent of this chapter, the director, with respect to medically indigent persons, may limit, by appropriate classifications, the number of medically indigent persons eligible, and may limit the scope and kinds of health care to which such persons are entitled, to the extent necessary to operate programs under this chapter within the limits of appropriated funds. When and if necessary, such action shall be taken by the director with the advice of the Health Review and Program Council and in ways consistent with the requirements of the Federal Social Security Act.

CHAPTER 1275

An act to add Article 4.7 (commencing with Section 1215) to Chapter 2 of Part 2 of Division 1 of the Insurance Code, relating to insurance holding companies.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Article 4.7 (commencing with Section 1215) is added to Chapter 2 of Part 2 of Division 1 of the Insurance Code, to read:

Article 4.7. Insurance Holding Company System Regulatory Act

1215. As used in this article, the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require:

(a) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(b) The term "control" includes the terms "controlling," "controlled by," and "under common control with," and means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, more than 10 percent of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact in accordance with subdivision (i) of Section 1215.4. The commissioner may, after furnishing all persons in interest notice and opportunity to be heard, determine that control exists in fact, notwithstanding the absence of a presumption to that effect.

(c) An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

(d) "Insurer" shall have the same meaning as set forth in Section 826 of this code, excluding subdivision (f) of such section.

(e) "Person" is an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or any similar entity, or any combination thereof acting in concert.

(f) A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

1215.1. (a) Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries subject to the limitations of this section.

(b) In addition to investments in common stock, preferred stock, debt obligations, and other securities permitted under all other sections of this chapter, a domestic insurer may also do one or more of the following:

(1) Invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, amounts which do not exceed the lesser of 5 percent of such insurer's

assets or 50 percent of such insurer's surplus as regards policyholders. However, after such investments, the insurer's surplus as regards policyholders shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of such investments, there shall be included (A) total net moneys or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of such subsidiary whether or not represented by the purchase of capital stock or issuance of other securities, and (B) all amounts expended in acquiring additional common stock, preferred stock, debt obligations, and other securities and all contributions to the capital or surplus, of a subsidiary subsequent to its acquisition or formation;

(2) If the insurer's total liabilities, as calculated for National Association of Insurance Commissioners' annual statement purposes, are less than 10 percent of assets, invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries. However, after such investment the insurer's surplus as regards policyholders, considering such investment as if it were a disallowed asset, shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs;

(3) Invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries, provided, that each such subsidiary agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in paragraph (1) of this subdivision or in this chapter applicable to the insurer. For the purpose of this paragraph, "the total investment of the insurer" shall include (i) any direct investment by the insurer in an asset, and (ii) the insurer's proportionate share of any investment of an asset by any subsidiary of the insurer, which shall be calculated by multiplying the amount of the subsidiary's investment by the percentage of the insurer's ownership of such subsidiary.

(4) With the approval of the commissioner, invest any amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries, provided that after such investment the insurer's surplus as regards policyholders shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs;

(5) Invest any amount in the common stock, preferred stock, debt obligations, or other securities of any subsidiary exclusively engaged in holding title to or holding title to and managing or developing real or personal property, if after considering as a disallowed asset so much of the investment as is represented by subsidiary assets which if held directly by the insurer would be considered as a disallowed asset, the

insurer's surplus as regards policyholders shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(c) Investments in common stock, preferred stock, debt obligations, or other securities of subsidiaries made pursuant to subdivision (b) of this section shall neither limit nor be subject to any of the otherwise applicable authorizations, restrictions, or prohibitions contained in this part applicable to such investments of insurers.

(d) Whether any investment pursuant to subdivision (b) of this section meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations, and the value of all previous investments in equity securities as of the date they were made.

(e) If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this section within three years from the time of the cessation of control, or within such further time as the commissioner may prescribe, unless at any time after such investment shall have been made, such investment shall have met the requirements for investment under any other section of this part.

1215.2. (a) No person shall make a tender offer for, or a request or invitation for tenders of, or enter into an agreement to exchange securities for or acquire in the open market, any voting security, or any security convertible into a voting security, of a domestic insurer or of any other person controlling a domestic insurer, if such other person is not substantially engaged either directly or through its affiliates in any businesses other than that of insurance, if, as a result of the consummation thereof, such person would, directly or indirectly, acquire control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer, unless, at the time copies of the offer or purchase or request or invitation are first published or sent or given to security holders or the agreement or transaction is entered into, as the case may be, such person has filed with the commissioner, and has sent to such insurer, a statement containing such of the following information, and such additional information, as the commissioner may by rule or regulation prescribe as necessary or appropriate in the public interest or for the protection of policyholders or shareholders:

(1) The background and identity of all persons by whom or on whose behalf the purchases or the exchange, merger, or other acquisition of control are to be effected;

(2) The source and amount of the funds or other consideration used or to be used in making the purchases or in effecting the exchange, merger, or other acquisition of control, and, if any part of such funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making

the purchases or effecting the exchange, merger, or other acquisition of control, a description of the transaction and the names of the parties thereto. However, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the name of the lender shall not be made available to the public;

(3) Any plans or proposals which such persons may have to liquidate such insurer, to sell its assets or merge it with any person, or to make any other major change in its business or corporate structure or management;

(4) The amount of each class of voting securities or securities which may be converted into voting securities of such insurer or such controlling person which are beneficially owned, and the amount of each class of voting securities or securities which may be converted into voting securities of such insurer or such controlling person concerning which there is a right to acquire beneficial ownership, by each such person and by each affiliate of each such person, together with the name and address of each such affiliate;

(5) Information as to any contracts, arrangements, or understandings with any person with respect to any securities of such insurer or such controlling person, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such voting securities of such insurer or such controlling person made by or on behalf of any such person, and a copy of any such agreement to exchange or otherwise acquire securities or to merge with or otherwise to acquire control of such insurer, shall be filed with the commissioner and sent to such insurer as a part of such statement and shall contain such of the information contained in such statement as the commissioner may by rule or regulation prescribe. Copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request, and copies of any amendment to any such agreement, shall contain such information as the commissioner may by rule or regulation prescribe as necessary or appropriate in the public interest or for the protection of policyholders or shareholders, and shall be filed with the commissioner and sent to such insurer not later than the time copies of such material are first published or sent or given to security holders or such amendment is entered into.

(b) If the person required to file the statement referred to in subdivision (a) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may

require that the information called for by paragraphs (1) to (5), inclusive, of subdivision (a) shall be given with respect to: (1) each partner of such partnership or limited partnership, (2) each member of such syndicate or group, and (3) each person who controls such partner or member. If a person referred to in (1), (2), or (3) of this subdivision is a corporation or the person required to file the statement referred to in subdivision (a) is a corporation, the commissioner may require that the information called for by paragraphs (1) to (5), inclusive, of subdivision (a) shall be given with respect to such corporation and each officer and director of such corporation and each person who is directly or indirectly the beneficial owner of more than 10 percent of the outstanding voting securities of such corporation.

(c) If any tender offer, request, or invitation for tenders, or agreement to exchange or otherwise acquire securities or to merge or otherwise acquire control referred to in subdivision (a) of this section, is proposed to be made by means of a registration statement under the federal Securities Act of 1933, or in circumstances requiring the disclosure of similar information under the federal Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subdivision (a) may file that registration statement with the commissioner as full satisfaction of the requirement in subdivision (a).

(d) The purchases, exchanges, mergers, or other acquisitions of control referred to in subdivision (a) of this section may not be made until the commissioner either approves the purchases, exchanges, mergers, or other acquisitions of control within 60 days after the statement required by subdivision (a) has been filed with him or fails to disapprove such purchases, exchanges, mergers, or other acquisitions of control within such 60-day period. The commissioner may disapprove any such transaction within such 60-day period if he finds any of the following:

(1) After the change of control the domestic insurer referred to in subdivision (a) could not satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(2) The purchases, exchanges, mergers, or other acquisitions of control would substantially lessen competition in insurance in this state or create a monopoly therein;

(3) The financial condition of an acquiring person is such as might jeopardize the financial stability of the insurer, or prejudice the interests of its policyholders;

(4) The plans or proposals which the acquiring person has to liquidate the insurer, to sell its assets, or to merge it with any person, or to make any other major change in its business or corporate structure or management, are not fair and reasonable to policyholders;

(5) The competence, experience, and integrity of those persons who would control the operation of the insurer indicate that it would not be in the interest of policyholders, or the public to permit them to do so.

(e) The provisions of this section shall not apply to any offer for or request or invitation for tenders of any voting securities, or any agreement to exchange securities for or otherwise acquire control, if, and to the extent that, the commissioner, by rule or regulation or by order, shall exempt the same from the provisions of this section as not comprehended within the purposes thereof.

1215.3. The following shall be violations of this article:

(a) The failure to file the statement required under subdivision (a) of Section 1215.2.

(b) Effectuation or any attempt to effectuate an acquisition or control of, or merger with, a domestic insurer either within the 60-day period referred to in subdivision (d) of Section 1215.2, unless the commissioner has given his approval thereto, or after disapproval of such acquisition of control or merger.

1215.4. (a) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section. Any insurer which is subject to registration under this section shall register within 60 days after the effective date of this article or 15 days after it becomes subject to registration, whichever is later, unless the commissioner for good cause shown extends the time for registration, and then within such extended time. The commissioner may require a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

(b) Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about the following:

(1) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling such insurer;

(2) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchanges of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles;

(vi) Reinsurance agreements covering all or substantially all of one or more lines of insurance of the ceding company.

(3) Other matters as may be included in registration forms adopted by the National Association of Insurance Commissioners, to the extent required by the commissioner.

(c) No information need be disclosed on the registration statement filed pursuant to subdivision (b) of this section if such information is not material for the purposes of this article. Unless the commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, involving one-half of 1 percent or less of an insurer's admitted assets, as of the 31st day of December next preceding, shall not be deemed material for purposes of this section.

(d) Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition. However, subject to this subdivision, each registered insurer shall so report all dividends and other distributions to shareholders promptly upon the declaration thereof.

(e) The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(f) The commissioner may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

(g) The commissioner may allow any insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subdivision (a) of this section and to file all information and material required to be filed under this article.

(h) The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section as not comprehended within the purposes of this section.

(i) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance

holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer, as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(j) The failure to file a registration statement or any amendment thereto required by this section within the time specified for such filing shall be a violation of this article.

1215.5. (a) Material transactions by registered insurers with their affiliates shall be subject to each of the following standards:

(1) The terms shall be fair and reasonable;

(2) The books, accounts, and records of each party shall be so maintained as to clearly and accurately disclose the precise nature and details of the transactions;

(3) The insurer's surplus as regards policyholders following any dividends or distributions to shareholder affiliates shall be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

(b) For purposes of this article, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

(2) The extent to which the insurer's business is diversified among the several lines of insurance;

(3) The number and size of risks insured in each line of business;

(4) The extent of the geographical dispersion of the insurer's insured risks;

(5) The nature and extent of the insurer's reinsurance program;

(6) The quality, diversification, and liquidity of the insurer's investment portfolio;

(7) The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;

(8) The surplus as regards policyholders maintained by other, comparable insurers;

(9) The adequacy of the insurer's reserves;

(10) The quality and liquidity of investments in subsidiaries made pursuant to Section 1215.2. The commissioner may

treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

(c) No insurer subject to registration under Section 1215.4 shall pay any extraordinary dividend or make any other extraordinary distribution to its stockholders until 30 days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment, or the commissioner shall have approved such payment within such 30-day period.

For purposes of this section, an extraordinary dividend or distribution is any dividend or distribution which, together with other dividends or distributions made within the preceding 12 months, exceeds the greater of (1) 10 percent of such insurer's company's surplus as regards policyholders as of the 31st day of December next preceding, or (2) the net gain from operations of such insurer company, if such insurer is a life insurer or the net investment income, if such insurer is not a life insurer, for the 12-month period ending the 31st day of December next preceding; provided, that the payment of any dividend by a title insurer which is not prohibited from making such payment by the provisions of Section 12373 shall not be deemed an extraordinary dividend or distribution.

Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon stockholders until the commissioner has approved the payment of such dividend or distribution or until the commissioner has not disapproved such payment within the 30-day period referred in this subdivision.

1215.6. (a) Subject to the limitation contained in this section, and in addition to the powers which the commissioner has under Article 4 (commencing with Section 730) of Chapter 1 of this part relating to the examination of insurers, the commissioner shall also have the power to order any insurer registered under Section 1215.4 to produce such records, books, or other information or papers in the possession of the insurer or its affiliates as shall be necessary to ascertain the financial condition or legality of conduct of such insurer.

(b) The commissioner shall exercise his power under subdivision (a) only if the examination of the insurer under Article 4 (commencing with Section 730) of Chapter 1 of this part is inadequate or the interests of the policyholders of such insurer are being adversely affected.

(c) The commissioner may retain at the registered insurer's expense such attorneys, actuaries, accountants, and other experts not otherwise a part of the commissioner's staff as shall be reasonably necessary to assist in the conduct of the examination under subdivision (a) of this section. Any persons so

retained shall be under the direction and control of the commissioner and shall act in a purely advisory capacity.

(d) Each registered insurer producing for examination records, books, and papers pursuant to subdivision (a) of this section shall be liable for, and shall pay the expense of, such examination in accordance with Section 736 of this code.

1215.7. All information, documents and copies thereof obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to Section 1215.4, and all information reported pursuant to Section 1215.4, shall be given confidential treatment and shall not be subject to subpoena and shall not be made public by the commissioner or any other person except to insurance departments of other states without the prior written consent of the insurance company to which it pertains, unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event he may publish all or any part thereof in such manner as he may deem appropriate.

1215.8. The commissioner may, upon notice and opportunity for all interested persons to be heard, issue such rules, regulations, and orders as shall be necessary to carry out the provisions of this article.

1215.9. (a) Whenever it appears to the commissioner that any insurer or any director, officer, employee, or agent thereof has committed or is about to commit a violation of this article or of any rule, regulation, or order issued by the commissioner hereunder, the commissioner may apply to the superior court for the county in which the principal office of the insurer is located, or if such insurer has no such office in this state, then to the Superior Court for the County of Los Angeles, or for the City and County of San Francisco, for an order enjoining such insurer or such director, officer, employee, or agent thereof from violating or continuing to violate this article or any such rule, regulation, or order, and for such other equitable relief as the nature of the case and the interests of the insurer's policyholders, creditors, and shareholders or the public may require.

(b) No security which is the subject of any agreement or arrangement regarding acquisition, or which is acquired or to be acquired in contravention of the provisions of this article or of any rule, regulation, or order issued by the commissioner hereunder, may be voted at any shareholders' meeting, or may be counted for quorum purposes, and any action of shareholders requiring the vote of an affirmative percentage of shares may be taken as though such securities were not issued and outstanding. If an insurer or the commissioner has reason to believe that any security of the insurer has been or is about

to be acquired in contravention of the provisions of this article or of any rule, regulation, or order issued by the commissioner hereunder, the insurer or the commissioner may apply to the Superior Court for the County of Los Angeles or for the City and County of San Francisco or to the superior court for the county in which the insurer has its principal place of business for equitable relief to enjoin the voting of any such security or to void any vote of such security already cast, at any meeting of shareholders.

1215.10. Whenever it appears to the commissioner that any insurer or any director, officer, employee or agent thereof has committed a willful violation of this article, the commissioner may cause criminal proceedings to be instituted in the county in which the principal office of the insurer is located, or if such insurer has no such office in the state then by the Attorney General against such insurer or the responsible director, officer, employee, or agent thereof. Any insurer which willfully violates this article shall be fined not more than ten thousand dollars ($10,000). Any individual who willfully violates this article shall be fined not more than three thousand dollars ($3,000) or, if such willful violation involves the deliberate perpetration of a fraud upon the commissioner, imprisoned not more than two years, or both.

1215.11. Whenever it appears to the commissioner that any person has committed a violation of this article which so impairs the financial condition of a domestic insurer as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders, or the public, then the commissioner may proceed as provided in Article 14 (commencing with Section 1010) of Chapter 1 of this part to take possession of the property of such domestic insurer and to conduct the business thereof.

1215.12. Whenever it appears to the commissioner that any person has committed a violation of this article which makes the continued operation of an insurer contrary to the interests of policyholders or the public, the commissioner may, after giving notice and an opportunity to be heard, suspend, revoke, or refuse to renew such insurer's license or authority to do business in this state for such period as he finds is required for the protection of policyholders or the public.

1215.13. All laws and parts of laws of this state inconsistent with this article are hereby superseded with respect to matters covered by this article.

1215.14. If any provision of this article or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and for this purpose the provisions of this article are separable.

CHAPTER 1276

An act to authorize the transfer and retention of units and portions thereof of the state park system.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. The Director of Parks and Recreation is hereby authorized to transfer fee title or any lesser interest in the park units or portions thereof described in Sections 2, 3, 4, 5 and 6 of this act upon such terms and conditions as the Director of Parks and Recreation determines are in the best interest of the state park system.

SEC. 2. Lummis Home State Historical Monument may be transferred to the City of Los Angeles.

SEC. 3. All or a portion of Redondo State Beach may be transferred to the City of Redondo Beach.

SEC. 4. A portion of San Clemente State Beach may be exchanged for lands owned by the San Clemente Inn.

SEC. 5. A portion of Doheny State Beach may be exchanged for lands owned by the Orange County Harbor District.

SEC. 6. A portion of Palomar Mountain State Park may be exchanged for adjacent privately owned lands.

SEC. 7. Notwithstanding any other provision of law, the Director of Parks and Recreation is authorized to retain all real property presently within the San Francisco Maritime State Historic Park within the state park system for a period of two years from the effective date of this act.

CHAPTER 1277

An act to add Sections 23358.2 and 24070.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 23358.2 is added to the Business and Professions Code, to read:

23358.2. Notwithstanding any other provision of this division, a winegrower or brandy manufacturer, at his licensed premises where the sale of wine or brandy for consumption off the premises is authorized or permitted, may sell only wine or brandy which is produced or bottled by such licensee, or wine or brandy which is produced for or is produced and packaged for such licensee, and which is sold under a brand name owned

by such licensee. This section shall become operative on July 1, 1970.

SEC. 2. Section 24070.5 is added to the Business and Professions Code, to read:

24070.5. When a winegrower has failed to carry on business actively, pursuant to a winegrower's license, for a period of one year, such winegrower's license, without regard to when it was originally issued, may be transferred only to a person who qualifies as a winegrower, as defined in Sections 23013 and 23358 of this code.

CHAPTER 1278

An act to amend Section 1427 of the Penal Code, relating to vehicle offenses.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1427 of the Penal Code is amended to read:

1427. (a) When a complaint is presented to a judge of an inferior court of the commission of a public offense appearing to be triable in his court, he must, if satisfied therefrom that the offense complained of has been committed and that there is reasonable ground to believe that the defendant has committed it, issue a warrant, for the arrest of the defendant.

(b) Such warrant of arrest and proceedings upon it shall be in conformity to the provisions of this code regarding warrants of arrest, and it may be in the following form:

County of _____

The people of the State of California, to any peace officer in this state:

Complaint upon oath having been this day made before me that the offense of _____ (designating it generally) has been committed and accusing _____ (name of defendant) thereof you are therefore commanded forthwith to arrest the above-named defendant and bring him forthwith before the _____ court of _____ (stating full title of court) at _____ (naming place).

Witness my hand and the seal of said court this _____ day of _____, 19__.

(Signed).

_____

Judge of said court

If it appears that the offense complained of has been committed by a corporation, no warrant of arrest shall issue, but the judge must issue a summons substantially in the form prescribed in Section 1391. Such summons must be served at the time and in the manner designated in Section 1392 except that

if the offense complained of is a violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code, such summons may be served by deposit by the clerk of the court in the United States mail of an envelope enclosing the summons, which envelope shall be addressed to a person authorized to accept service of legal process on behalf of the defendant, and which envelope shall be mailed by registered mail or certified mail with a return receipt requested. Promptly upon such mailing, the clerk of the court shall execute a certificate of such mailing and place it in the file of the court for that case. At the time stated in the summons the corporation may appear by counsel and answer the complaint. If it does not appear, a plea of not guilty must be entered, and the same proceedings had therein as in other cases.

CHAPTER 1279

An act to amend Section 40000 of the Vehicle Code, to add Chapter 2 (commencing with Section 3901) to Division 2 of the Public Utilities Code, to add Chapter 6 (commencing with Section 16560) to Division 7 of the Vehicle Code, and to repeal Sections 3810, 3811, and 3812 of the Public Utilities Code, relating to highway carriers.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 3810 of the Public Utilities Code is repealed.

SEC. 2. Section 3811 of the Public Utilities Code is repealed.

SEC. 3. Section 3812 of the Public Utilities Code is repealed.

SEC. 4. Chapter 2 (commencing with Section 3901) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 2. INTERSTATE HIGHWAY CARRIERS

Article 1. General Provisions and Definitions

3901. This chapter may be cited as the "Interstate Highway Carriers' Registration Act."

3902. This chapter shall not be construed as adopting requirements for the registration of interstate highway carriers in excess of the standards for registration promulgated under the provisions of the Interstate Commerce Act.

3903. In the administration of this chapter the commission shall adhere to the standards promulgated pursuant to Section 202(b)(2) of the Interstate Commerce Act (49 United States Code, Sec. 3021(b)(2)).

3904. Unless the context otherwise requires, the definitions and general provisions set forth in Chapter 1 shall govern the construction of this chapter.

Article 2. Registration

3910. (a) No highway carrier shall engage in any interstate transportation of property for compensation by motor vehicle on any public highway in this state without first having registered such operation with the commission as follows:

(1) When the operation requires authority from the Interstate Commerce Commission under the Interstate Commerce Act, a copy of such authority pertaining to this state shall be filed with the application for registration.

(2) If the operation does not require authority from the Interstate Commerce Commission under the Interstate Commerce Act, an affidavit of such exempt status shall be filed with the application for registration.

(b) Registration shall be granted for one year upon the filing of such application and the payment of the fee as required by this article, conditioned upon compliance with the other provisions of this chapter.

(c) Registration shall be renewed annually upon the filing of an application for renewal and the payment of the renewal fee as required by this article, conditioned upon continued compliance with the other provisions of this chapter.

3911. A fee of twenty-five dollars ($25) shall be paid to the commission for the filing of the initial registration and a fee of ten dollars ($10) shall be paid to the commission for filing the annual renewal application. These fees may be waived pursuant to any agreement or arrangement of the Reciprocity Commission made pursuant to Section 8000 of the Vehicle Code.

3912. Highway carriers engaged in interstate transportation of property for compensation by motor vehicle upon any public highway in this state who, prior to the effective date of this act, have registered their authority from the Interstate Commerce Commission with the commission pursuant to Section 3810 shall not be required to file another initial application as prescribed in subsection (1) of subdivision (a) of Section 3910, but shall only be required to file an application for renewal as prescribed in subdivision (c) of Section 3910, but such renewal application shall not be granted until the applicant shall have complied with all other provisions of this chapter.

Article 3. Insurance

3920. Registration shall not be granted to any carrier exempt from regulation by the Interstate Commerce Commission until there is filed with and accepted by the commission, in such form as it may prescribe, a currently effective

certificate or certificates of insurance or a surety bond or bonds evidencing bodily injury, property damage and cargo liability coverage not less than the minimum prescribed for intrastate highway carriers regulated by the commission, or such evidence of qualification of the carrier as a self-insurer as may be authorized by the commission under the provisions of Section 3632.

Article 4. Agent to Receive Service of Process

3930. Registration shall not be granted to any carrier exempt from regulation by the Interstate Commerce Commission until there is filed with and accepted by the commission, in such form as it may prescribe, a currently effective designation of a local agent to receive service of process.

Article 5. Identification

3940. The commission shall prescribe or adopt suitable means of identification of the vehicles operated by carriers granted registration under this chapter.

Article 6. Fines and Penalties

3950. Any person or corporation who violates the provisions of this chapter is guilty of a misdemeanor, and is punishable as provided in Chapter 6 (commencing with Section 16560) of Division 7 of the Vehicle Code.

3951. The Department of Motor Vehicles and the Board of Equalization shall furnish information from their records to assist the Public Utilities Commission and the Department of the California Highway Patrol in the effective enforcement of this act.

SEC. 5. Chapter 6 (commencing with Section 16560) is added to Division 7 of the Vehicle Code, to read:

CHAPTER 6. INTERSTATE HIGHWAY CARRIERS

16560. Any person or corporation who operates or causes to be operated on the highways of this state any motor vehicle in the transportation of property for compensation in interstate commerce without having first complied with the requirements of Chapter 2 (commencing with Section 3901) of Division 2 of the Public Utilities Code is guilty of a misdemeanor, and is punishable by a fine of not more than five hundred dollars ($500), or by imprisonment in the county jail for not more than three months, or both.

SEC. 6. Section 40000 of the Vehicle Code is amended to read:

40000. It is unlawful and constitutes an infraction for any person to violate, or to fail to comply with, any provision of this code, or any local ordinance adopted pursuant to this code, except:

(a) A violation expressly declared to be a felony, or a public offense which is punishable either as a felony or misdemeanor.

(b) A violation of any of the following provisions, which shall constitute a misdemeanor:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 5901, relating to dealers giving notice.

Section 10501, relating to false report of vehicle theft.

Sections 10750 and 10751, relating to altered or defaced vehicle identifying numbers.

Section 10851 5, relating to theft of binder chains.

Sections 10852 and 10853, relating to injuring or tampering with a vehicle.

Section 10854, relating to unlawful use of stored vehicle.

Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations

Section 12500(a), relating to unlicensed drivers.

Section 12951(b), relating to refusal to display license.

Section 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

Section 16560, relating to interstate highway carriers.

Section 20002, relating to duties at accidents.

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9 (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

Division 14 (commencing with Section 31600), relating to transportation of explosives.

Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials.

Division 14.7 (commencing with Section 34001), relating to flammable liquids.

Section 34506(a), relating to transportation of hazardous materials.

Section 40005, relating to owner's responsibility.

Section 40504, relating to false signatures.

Section 40508, relating to failure to appear or to pay fine.

Section 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise.

Section 42005, relating to failure to attend traffic school.

SEC. 7. Section 40000 of the Vehicle Code is amended to read:

40000. It is unlawful and constitutes an infraction for any person to violate, or to fail to comply with, any provision of this code, or any local ordinance adopted pursuant to this code, except:

(a) A violation expressly declared to be a felony, or a public offense which is punishable either as a felony or misdemeanor.

(b) A violation of any of the following provisions, which shall constitute a misdemeanor:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 2815, relating to failure to obey a crossing guard's traffic signal or direction.

Section 5901, relating to dealers giving notice.

Section 10501, relating to false report of vehicle theft.

Sections 10750 and 10751, relating to altered or defaced vehicle identifying numbers.

Section 10851.5, relating to theft of binder chains.

Sections 10852 and 10853, relating to injuring or tampering with a vehicle.

Section 10854, relating to unlawful use of stored vehicle.

Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

Section 12500(a), relating to unlicensed drivers.

Section 12951(b), relating to refusal to display license.

Section 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

Section 16560, relating to interstate highway carriers.

Section 20002, relating to duties at accidents

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9 (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

Division 14 (commencing with Section 31600), relating to transportation of explosives.

Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials

Division 14.7 (commencing with Section 34001), relating to flammable liquids.

Section 34506(a), relating to transportation of hazardous materials.

Section 40005, relating to owner's responsibility.

Section 40504, relating to false signatures.

Section 40508, relating to failure to appear or to pay fine.

Section 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise.

Section 42005, relating to failure to attend traffic school.

SEC. 8. It is the intent of the Legislature, if amendments to Section 40000 of the Vehicle Code proposed by both this bill and S.B. 937 are enacted, that both amendments be given effect and incorporated in Section 40000 in the form set forth in Section 7 of this act. Therefore, in the event S.B. 937 is enacted and amends Section 40000, Section 7 of this act shall become operative at the same time that Section 40000 as amended by S.B. 937 becomes operative, and at that time, Section 40000 of the Vehicle Code as amended by Section 6 of this act is repealed.

CHAPTER 1280

An act to amend Section 110 and the title of Chapter 4 (commencing with Section 500) of Division 1 of, and to add Article 3 (commencing with Section 540) to Chapter 4 of Division 1 of, the Financial Code, relating to banks.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 110 of the Financial Code is amended to read:

110. "Office" includes head office, branch office, and any other authorized place of business of a bank.

"Head office" means the principal place of business of a bank.

SEC. 2. The title of Chapter 4 (commencing with Section 500) of Division 1 of the Financial Code is amended to read:

CHAPTER 4. BRANCH OFFICES AND OTHER PLACES OF BUSINESS

SEC. 3. Article 3 (commencing with Section 540) is added to Chapter 4 of Division 1 of the Financial Code, to read:

Article 3. Other Places of Business

540. As used in this article, "place of business" means any place of business of a bank other than a head office, a branch office, or a place of business consented to by the superintendent pursuant to Section 1110 of this code.

541. No bank shall establish or maintain a place of business unless it is authorized to do so by the superintendent.

542. An application for authority to establish and maintain a place of business shall be in such form and contain such information as the superintendent may prescribe, and shall be accompanied by a fee of one hundred dollars ($100).

543. The superintendent may give or withhold his approval of an application in his discretion, but he shall not approve the application until he has ascertained to his satisfaction that the public convenience and advantage will be promoted by the proposed place of business.

544. When the superintendent has approved an application and the applicant bank has paid an additional fee of fifty dollars ($50), the superintendent shall issue a certificate in duplicate authorizing such bank to establish and maintain the place of business. Such certificate shall specify the conditions, if any, under which the place of business may be established and maintained and the place where it will be located. The superintendent shall place one copy of such certificate on file with the department. The superintendent shall transmit one copy of such certificate to the applicant bank, and such bank shall display such copy in a conspicuous place in the place of business.

545. The approval of an application to establish and maintain a place of business shall be revoked by operation of law if the applicant bank does not establish and maintain such place of business within one year after the date of such approval. However, for good cause on written application made before such approval is revoked and accompanied by a fee of fifty dollars ($50), the superintendent may extend for additional periods not in excess of one year each the time within which such place of business may be established and maintained.

546. With the prior written approval of the superintendent, a bank may change the location of a place of business from one location to another in the same vicinity. An application for such approval shall be accompanied by a fee of fifty dollars ($50).

547. With the prior written approval of the superintendent, a bank may close or discontinue the operation of a place of business.

CHAPTER 1281

An act to amend Section 1756 of, and to add Section 1756.2 to, the Financial Code, relating to foreign banking corporations.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1756 of the Financial Code is amended to read:

1756. (a) A foreign corporation which is authorized by license under Section 1754 may transact in this state the business of buying, selling, paying, or collecting bills of exchange, of issuing letters of credit, of receiving money for transmission by draft, check, cable or otherwise, and of making loans.

(b) A foreign corporation organized under the laws of another state of the United States of America shall not accept deposits in this state.

(c) A foreign corporation organized under the laws of a foreign country may transact in this state the business of accepting deposits if under the laws of such foreign country a bank or trust company (organized under the laws of the United States or a state thereof) may be authorized to maintain either a branch or agency or may be authorized to own all the shares (except for directors' qualifying shares) of a banking organization organized under the laws of such foreign country and if it has complied with all of the requirements of Section 1751 and 1756.1. In this subdivision "foreign country" includes, but is not limited to, any territory of the United States, Puerto Rico, Guam, and the Virgin Islands.

SEC. 2. Section 1756.2 is added to the Financial Code, to read:

1756.2. (a) In this section:

(1) "Foreign state" means any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision.

(2) "Person" means any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind, or any branch or division thereof.

(b) Notwithstanding the provisions of Sections 1756 and 1756.1 of this code, a foreign banking corporation organized under the laws of a foreign state may transact in this state the business of accepting deposits from any foreign state or from any person which resides, is domiciled, and maintains its principal place of business in a foreign state, if:

(1) Such foreign banking corporation has complied with all of the requirements of Section 1751 of this code; and

(2) Such foreign banking corporation has received from the superintendent his written approval to transact such business in this state.

(c) A foreign banking corporation which transacts such business in this state shall, with respect to business transacted by it in this state, comply with and be subject to the provisions of Chapter 6 (commencing with Section 750), Chapter 7 (commencing with Section 850), Chapter 8 (commencing with Section 952), and Article 2 (commencing with Section 3370) of Chapter 18 of this division applicable to banks, the provisions of Article 1 (commencing with Section 1200), except Sections

1207 and 1209, of Chapter 10 of this division applicable to commercial banks, and the provisions of Article 2 (commencing with Section 1310), Article 3 (commencing with Section 1330), Article 4 (commencing with Section 1335), and Article 5 (commencing with Section 1340) of Chapter 10a of this division applicable to nondepartmental banks.

CHAPTER 1282

An act to amend Section 16643 of the Education Code, and to amend Section 16151 of the Welfare and Institutions Code, relating to preschool programs.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 16643 of the Education Code is amended to read:

16643. The governing board of any school district, or the county superintendent of schools with the approval of the county board of education, may establish and maintain preschool educational programs for all children between the ages of three and six years who are not currently enrolled in the public schools residing within the district or within the jurisdiction of a county superintendent of schools. If a preschool educational program authorized by Chapter 2 5 (commencing with Section 16150) of Part 4 of Division 9 of the Welfare and Institutions Code has been established in the district, a preschool educational program established under this section may be operated in conjunction with that program, provided that the minimum educational standards prescribed pursuant to Section 16641 are met.

The governing board of a school district operating and maintaining a preschool educational program pursuant to this section may include in its budget any amount which it deems necessary for the operation of the program.

SEC. 2. Section 16151 of the Welfare and Institutions Code is amended to read:

16151. The State Department of Social Welfare shall enter into a contract with the Department of Education to provide for a statewide system of preschool programs of an educational value, to be established by any eligible local public or private nonprofit agency which submits an application therefor.

The State Department of Social Welfare shall, in cooperation and consultation with the Department of Education, determine the areas of the state in which the approval and establishment of such preschool educational programs is most likely to fulfill the intent of this chapter.

Any application to operate and maintain a preschool educational program pursuant to this chapter may include a provision for the use of facilities owned and maintained by an eligible local nonprofit private agency, when such facilities may be necessary for the provision of a preschool educational program in the area to be served. Children between the ages of three and six years who are not currently enrolled in the public schools shall be eligible to participate in these preschool programs, provided that such instruction is deemed to be in the best interests of the child. Special priority shall be given to children from families of low income. Special priority shall also be given to children from families in which English is not the language primarily used in the home in order that they may develop that degree of English facility necessary to profit from school instruction.

All local preschool educational programs operated pursuant to any contract herein authorized shall be available to any child otherwise eligible pursuant to the procedures established by this chapter and by the contract regardless of race, religion or ethnic background; and no such local preschool program shall be used, in whole or in part, for religious worship or instruction. No funds herein provided may be used for the general support of any private or sectarian school system.

CHAPTER 1283

An act to add Part 2.5 (commencing with Section 19800) to Division 5 of Title 2 of the Government Code, and to amend Sections 10557, 10605, 10801, and 10803 of, and to repeal Sections 10901, 10902, 10903, and 10904 of, the Welfare and Institutions Code, relating to the State Personnel Board.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Part 2.5 (commencing with Section 19800) is added to Division 5 of Title 2 of the Government Code, to read:

PART 2.5. FEDERAL GRANT-IN-AID MERIT SYSTEM REQUIREMENTS

CHAPTER 1. ADMINISTRATION

19800. The State Personnel Board is hereby vested with the jurisdiction and responsibility of establishing and maintaining personnel standards on a merit basis and administering merit systems for local government agencies where such merit systems of employment are required by statute as a condition of a state-funded program or a federal grant-in-aid program established under the following federal laws: Social Security Act, as

amended; the Public Health Service Act; and the Federal Civil Defense Act, as amended.

19801. For the purposes of administration of state or federally supported programs under Section 19800, the State Personnel Board shall, by regulation, establish and maintain personnel standards on a merit basis for local agencies (including therein standards of qualifications, competency, education, experience, tenure, and compensation) necessary for proper and efficient administration, and to assure state conformity with applicable federal requirements.

19802. Nothing in this chapter shall prevent any local agency from establishing its own merit system and determining thereunder the personnel standards to be applicable to its employees, but as to employees engaged in administering state and federally supported programs under Section 19800, such local systems and standards shall be subject to approval and review by the board to the extent necessary to qualify for federal funds.

19803. The merit system for employees engaged in administering programs under Section 19800 in a local agency not administering its own merit system approved under this chapter shall be administered by the board. This may include, but is not limited to, recruitment, examination, certification, appointment and other transactions, position classification, compensation standards, and disciplinary actions. As part of such administration, the board shall hear and decide appeals of any applicant for employment or officer or employee from the decision of a local agency or the board's executive officer affecting the employment rights of such persons. Any decision rendered in such an appeal shall be binding upon the local agency.

19804. In the exercise of functions under this chapter, the board shall exercise no authority with respect to the selection, tenure of office and compensation of any individual employed in accordance with established standards.

19805. The board shall by regulation, establish and administer procedures, including provisions for investigations and hearings, to determine whether a particular merit system is in conformity with the standards established or approved by the board pursuant to Section 19801. In conducting any hearing provided by such procedures, or in conducting an appeal hearing under Section 19803, the board shall have the same authority as it does in conducting hearings pursuant to Sections 18671 to 18680, inclusive, of this code.

19806. When the board, after hearing, determines that a local merit system is not in conformity with the established standards, it shall notify such local agency and appropriate state officer in writing of its decision. If the governing body of the local agency does not bring the system into conformity within 60 days of notification of the board's decision, or within such longer period as the board determines, the board shall certify to the state officer having responsibility for the overall

administration of the program, pursuant to which the grant-in-aid requiring such merit system was made, that the particular merit system is not in conformity with established standards.

19807. Notwithstanding any other provisions of law, upon receiving certification of the board, pursuant to Section 19806, the appropriate state officer shall take such action against the local agency as permitted by law or as necessary to obtain compliance without an additional administrative hearing being held by such officer.

19808. Local agencies shall provide such information and reports relating to merit system administration as are required by the board.

19809. State departments having responsibility for the overall administration of grant-in-aid programs under Section 19800 shall reimburse the board for all costs incurred by the board in administering this chapter. The board may equitably prorate such costs among such departments.

19810. As used in this chapter, "local agency" means any city, county, city and county, district, or other subdivision of the state, or any independent instrumentality thereof.

SEC. 2. Section 10557 of the Welfare and Institutions Code is amended to read:

10557. No person, while holding the office of director or member of the State Social Welfare Board, shall be a trustee, manager, director, or other officer or employee of any agency performing any function supervised by the department or any institution which is subject to examination, inspection, or supervision by the department; nor shall any member of the State Social Welfare Board hold any other office or employment in the department.

SEC. 3. Section 10605 of the Welfare and Institutions Code is amended to read:

10605. If the director considers a county director to be failing, in a substantial manner, to comply with any provision of this code or any regulation, he shall put the county director on written notice to that effect, and shall give a copy of the notice to the board of supervisors.

If within 60 days the county director fails to give reasonable assurance that he is complying and will continue to comply with the laws and regulations, the director shall order the county to appear at a hearing, before the director, with the State Social Welfare Board, to show cause why the department should not take action to secure compliance. The county shall be given at least 30 days' notice of such hearing. The director shall consider the case on the record established at the hearing, and the advice of the State Social Welfare Board, and, within 30 days, shall render proposed findings and a proposed decision on the issues. The proposed findings and decision shall be submitted to the county, and the county shall have an opportunity to appear within 10 days at such time and place as may be fixed by the director, for the purpose of pre-

senting oral arguments respecting the proposed findings and decision. Thereupon the director shall make his final findings and decision.

If the director determines that there is a failure on the part of the county to comply with the provisions of this code or the established regulations, or if the State Personnel Board certifies to the director that a county is not in conformity with established merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, and that administrative sanctions are necessary to secure compliance, the department may invoke any of the following sanctions:

(a) Withhold part or all of state and federal funds from such county until the county shall make a showing to the director of compliance; or

(b) Assume, temporarily, direct responsibility for the administration of any or all state-aided public social service programs in such county until the county shall provide reasonable assurance to the director of its intention and ability to comply with such laws and regulations. During such period of state administrative responsibility for county programs, the director or his authorized representative shall have all of the powers and responsibilities of the county director, with the exception that he shall not be subject to the authority of the board of supervisors; or

(c) Bring an action in mandamus or such other action in court as may be appropriate to compel compliance. Any such action shall be entitled to a preference in setting a date for a hearing.

Nothing in this section shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued public social services required by law.

Nothing contained in this section shall be construed as preventing a county from seeking judicial review of action taken by the director pursuant to this section under Section 1094.5 of the Code of Civil Procedure or, except in cases arising under Sections 10962 and 10963, from seeking injunctive relief when deemed appropriate.

SEC. 4. Section 10801 of the Welfare and Institutions Code is amended to read:

10801. A county director shall be appointed in each county by the board of supervisors or other agency designated by county charter, subject to either local merit system standards or to standards prescribed under the merit system administered by the State Personnel Board.

The county director shall at all times be under the general direction and supervision of the board of supervisors, unless otherwise provided by county charter.

SEC. 5. Section 10803 of the Welfare and Institutions Code is amended to read:

10803. The county director shall:

(a) Serve as the executive and administrative officer of the county department. The county director may delegate his powers and functions to any member of his staff.

(b) Establish such administrative units as he may deem necessary or desirable for the proper and efficient administration of the county department, and employ such personnel as may be authorized subject to merit system regulations and the state standards established pursuant to Section 19801 of the Government Code.

(c) Perform such other duties as may be prescribed by law, and, except for Section 10801, such other administrative and executive duties pertaining to the public social services as may, by other provisions of law, be imposed upon the board of supervisors.

(d) Perform such other duties as may be prescribed by the board of supervisors.

SEC. 6. Section 10901 of the Welfare and Institutions Code is repealed.

SEC. 7. Section 10902 of the Welfare and Institutions Code is repealed.

SEC. 8. Section 10903 of the Welfare and Institutions Code is repealed.

SEC. 9. Section 10904 of the Welfare and Institutions Code is repealed.

SEC. 10. Any officers and employees of the Department of Social Welfare performing a function on the effective date of this section that is transferred to the State Personnel Board, shall, pursuant to Section 19370 of the Government Code, be transferred to the State Personnel Board.

SEC. 11. All regulations heretofore adopted by the State Department of Social Welfare under Welfare and Institutions Code Section 10901 shall remain in effect and shall be enforceable by the State Personnel Board until amended, repealed, or otherwise superseded by regulations adopted by the State Personnel Board.

SEC. 12. This act shall become operative January 1, 1970.

CHAPTER 1284

An act to add Section 12656.7 to the Water Code, relating to flood control.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 12656.7 is added to the Water Code, to read:

12656.7. The Reclamation Board is authorized to provide any assurances to the Secretary of the Army which may be required in connection with the accomplishment of flood control or clearing work on the channel of the Sacramento and San Joaquin Rivers and their tributaries, pursuant to Section 208 of Public Law 780, 83rd Congress, 2nd Session, approved September 3, 1954, or any acts amending or adding to the same now or hereafter adopted, or with the accomplishment of any federal emergency flood control work on state-owned property. This authorization is subject to the provisions of Section 12828.

CHAPTER 1285

An act to amend Sections 3036, 3080, 3651 and 3652 of, and to repeal Sections 3082, 3653, 3658 and 3659 of, the Fish and Game Code, relating to pheasant license tags.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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 tags and a pheasant license stamp 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 3080 of the Fish and Game Code is amended to read:

3080. Any game bird or mammal may be possessed during a period other than the open season where taken and 10 days thereafter, if the carcass, or part thereof, is tagged in conformity with the regulations of the commission. The commission shall prescribe the type of tag to be used, which shall be of such construction and method of attachment that it cannot be removed without mutilating or defacing an essential part thereof.

The provisions of this section shall not apply to the possession of deer or deer meat.

Meat tagged in conformity with Section 3081 may be possessed at any time.

Not more than the possession limit for the species in the area where taken may be possessed at one time by any person under the provisions of this section which provide for the tagging of birds and mammals.

Nothing in this section authorizes the possession of game birds or carcasses or parts thereof contrary to regulations issued pursuant to the Migratory Bird Treaty Act.

SEC. 3. Section 3082 of the Fish and Game Code is repealed.

SEC. 4. Section 3651 of the Fish and Game Code is amended to read:

3651. Except as provided in Sections 3270 to 3291 and in Sections 3509 and 3510, it is unlawful to take any wild pheasants without first procuring a pheasant license stamp.

SEC. 5. Section 3652 of the Fish and Game Code is amended to read:

3652. Any person who possesses a valid hunting license may, upon payment of two dollars ($2), procure a pheasant license stamp. The stamp shall be affixed to the hunting license.

SEC. 6. Section 3653 of the Fish and Game Code is repealed.

SEC. 7. Section 3658 of the Fish and Game Code is repealed.

SEC. 8. Section 3659 of the Fish and Game Code is repealed.

SEC. 9. This act shall become operative on July 1, 1970.

CHAPTER 1286

An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 27122 of the Streets and Highways Code is amended to read:

27122. The composition of the board of directors of the district shall be as follows:

(a) One director, representing Del Norte County, one director, representing Mendocino County, and one director, representing Napa County, appointed by the board of supervisors of the respective represented county.

(b) Three directors, representing Marin County, appointed by the board of supervisors thereof. One of such directors shall be an elected member of said board of supervisors, and another of such directors shall be an elected member of a city council of a city within Marin County, and shall be designated by the Marin Council of Mayors and Councilmen.

(c) Three directors, representing Sonoma County, appointed by the board of supervisors thereof. One of such directors shall be an elected member of said board of supervisors, and another of such directors shall be an elected member of a city council of a city within Sonoma County, and shall be designated by the Mayors' and Councilmen's Association of Sonoma County. The requirement that one representative of Sonoma County be a member of the Board of Supervisors of Sonoma County shall not be operative until December 12, 1970.

(d) Nine directors, representing the City and County of San Francisco, eight of which shall be appointed by the board of supervisors thereof, and one of which shall be appointed by the mayor thereof by an order of appointment, a certified copy of which shall be immediately forwarded to the Secretary of State. Four of such directors shall be elected members of said board of supervisors.

CHAPTER 1287

An act to add Section 21385.1 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 21385.1 is added to the Government Code, to read:

21385.1. Notwithstanding Section 21385, members, who were employees of a contracting agency when the agency became subject to this article and elected not to be subject to it, may elect to be subject to this article.

CHAPTER 1288

An act to amend Sections 23802, 23803, 23805, and 24054 of, to add Sections 24055, 24056, and 24057 to, and to repeal Section 23619 of, the Education Code, relating to state col-

lege auxiliary organizations, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 23619 of the Education Code is repealed.

SEC. 1.2. Section 23802 of the Education Code is amended to read:

23802. Notwithstanding any provision of law to the contrary, student body organization membership fees authorized under the provisions of Section 23801 hereof shall be collected by the officials of the college, together with all tuition and material and service fees, at the time of registration. All unexpended funds and money collected on behalf of or by student body organizations, except funds and money collected from commercial services as provided in Section 24057, shall be deposited in a local trust account by the chief fiscal officer of the state college and such money 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.

(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.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

All money received by a state college from any agency of the state or federal government for the payment of student body organizations membership fees of students attending the college shall be deposited or invested as provided above.

SEC. 1.3. Section 23803 of the Education Code is amended to read:

23803. All money collected by a state college on behalf of a student body organization under Sections 23801, 23802, 24051, 24101, and 24102 shall be available for such purposes of the student body organization as are approved by the trustees.

These funds shall be maintained in local trust accounts by the college, and the chief fiscal officer of the college shall be custodian of these accounts and provide the necessary accounting records and controls for such funds.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of the student body organization.

The state college shall be reimbursed by the student body organization an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

Student body funds used for scholarships, grants-in-aid, stipends, loans, and similar expenditures shall conform to the regulations of the trustees, which shall be adopted within 180 days after the effective date of the amendment to this section enacted at the 1969 Regular Session of the Legislature, and shall be approved by the College Financial Aids Office before such funds are expended and shall be reflected on the student's record kept in that office. The student's financial aid record shall include all such funds received by the student.

SEC. 1.4. 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 the 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 unexpended funds and money collected by a state college on behalf of a student body organization under this section shall be deposited in a local trust account by the chief fiscal officer of the state college. Such money 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.

These funds shall be maintained in local trust accounts by the college, and the chief fiscal officer of the college shall be custodian of these accounts and provide the necessary accounting records and controls for such funds.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of the student body organization.

The state college shall be reimbursed by the student body organization an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

SEC. 1.5. Section 24054 of the Education Code is amended to read:

24054. A certified public accountant selected by the organizations or funds hereafter described and in accordance with procedures prescribed by the Department of Finance, shall annually audit any and all state college auxiliary funds and funds of organizations using the name of the state, state college, or representing an official relationship with the college, or funds in which college officials participate as directors as part of their official position, whether such funds be maintained on campus or not. The organizations or funds shall contract for and receive such audit annually, and shall submit such audit to the trustees and to the Director of Finance. Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible on the campus and be available to any person on request. Publication in the campus student newspaper shall be deemed compliance with this requirement.

The president shall be responsible for ascertaining that all expenditures are in accordance with policies of the trustees, the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations.

The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the trustees, and the accounting procedures of such state college auxiliary organizations shall be approved by the Director of Finance. The regulations shall include provisions requiring the governing board of each auxiliary organization to provide salaries, working conditions and benefits, exclusive of retirement and permanent status benefits, for the full-time employees of each auxiliary organization, except alumni associations, which are comparable to those provided state college employees performing similar services. For those employees whose duties are not comparable to classes in state college employment the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area.

SEC. 2. Section 24055 is added to the Education Code, to read:

24055. Each auxiliary organization formed pursuant to this article, shall have a board of directors composed, both as to size and categories of membership, in accordance with regulations established by the Trustees of the California State Colleges.

Each governing board shall, during each fiscal year, hold at least one business meeting each quarter. The board shall have the benefit of the advice and counsel of at least one attorney

admitted to practice law in this state and at least one licensed certified public accountant. Neither the attorney at law nor the certified public accountant need be members of the board.

No auxiliary organization shall accept any grant, contract, bequest, trust, or gift, unless it is so conditioned that it may be used only for purposes consistent with policies of the trustees.

SEC. 3. Section 24056 is added to the Education Code, to read:

24056. All expenditures and fund appropriations of auxiliary organizations described in Section 24055 shall be approved by the governing board of the auxiliary organization. Appropriations of funds for use outside of the normal business operations of the auxiliary organization shall be approved in accordance with trustee policy and regulations by an officer designated by the trustees.

The trustees in consultation with the Department of Finance and the governing boards of the various auxiliary organizations described in Section 24055, on or before the beginning of the 1970–1971 fiscal year, shall:

(a) Institute a standard systemwide accounting and reporting system for businesslike management of the operation of such auxiliary organizations.

(b) Implement financial standards which will assure the fiscal viability of such various auxiliary organizations. Such standards shall include proper provision for professional management, adequate working capital, adequate reserve funds for current operations and capital replacements, and adequate provisions for new business requirements.

(c) Institute procedures to assure that transactions of the auxiliary organizations are within the educational mission of the state colleges.

(d) Develop policies for the appropriation of funds derived from indirect cost payments not required to implement subdivision (b). Uses of such funds shall be regularly reported to the trustees.

SEC. 4. Section 24057 is added to the Education Code, to read:

24057. Operations of commercial services on a state college campus, such as a food service or bookstore, or such commercial services as may be provided in a college union, shall, when operated by an auxiliary organization, be self-supporting.

Any surplus funds from commercial operations shall be used for such purposes as are consistent with regulations of the trustees.

SEC. 5. There is hereby appropriated from the General Fund the sum of seventeen thousand one hundred ninety-seven dollars ($17,197) to the California State Colleges to provide for a special projects coordinator to give systemwide policy direction and exercise supervision over the auxiliary organizations of the California State Colleges for the fiscal year 1969–1970.

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:

There is a need to implement certain state college administrative and fiscal control improvements as soon as possible. For the convenience of the state colleges, these improvements should be implemented before the start of the 1969–1970 academic year.

CHAPTER 1289

An act to amend Section 8211 of the Government Code, relating to depositions and notaries public.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 8211 of the Government Code is amended to read:

8211. The fees of a notary public are:

(a) For every protest for the nonpayment of a promissory note or for the nonpayment or nonacceptance of a bill of exchange, draft, or check, two dollars ($2).

(b) For serving every notice of nonpayment of a promissory note or of nonpayment or nonacceptance of a bill of exchange, order, draft, or check, one dollar ($1).

(c) For recording every protest, one dollar ($1).

(d) For copying an affidavit, or other paper for which provision is not made herein, ten cents ($0.10) for each folio.

(e) For all services rendered in connection with the taking of any deposition, the sum of five dollars ($5), and in addition thereto, the sum of one dollar ($1) for administering the oath to the witness and the sum of one dollar ($1) for the certificate to such deposition.

The fees herein provided for are exclusive of any fees for services rendered either by a notary public or another in connection with the reporting or transcription of depositions.

For his services transcribing a deposition the reporter shall receive from the party purchasing the original sixty-five cents ($0.65) per 100 words, and for each copy made at the same time ten cents ($0.10) per 100 words; from all other parties purchasing the same the reporter shall receive for each copy made at the same time as the original twenty cents ($0.20) per 100 words for the first copy, and ten cents ($0.10) per 100 words for additional copies.

In any county having a population of 5,000,000 or over, for services in reporting a deposition, a reporter shall receive not less than thirty-five dollars ($35) for one-half day nor more

than the fees of a reporter pro tempore in the superior court of the county. For services in transcribing a deposition, the reporter shall receive from the party purchasing the original and one copy not less than two dollars ($2) per 28-line 8½ x 11-inch page, and, for each additional copy made at the same time or from all other parties purchasing a copy, the reporter shall receive not less than fifty cents ($0.50) per page.

If a deposition is transcribed, the reporter shall not receive the compensation provided in this subdivision for reporting the deposition.

(f) For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and the writing of the certificate, for the first two signatures, one dollar ($1) each, and for each additional signature, fifty cents ($0.50).

(g) For administering an oath or affirmation, fifty cents ($0.50).

(h) For every certificate, to include writing the same, and the seal, one dollar ($1).

CHAPTER 1290

An act to amend Sections 959.1 and 960.3 of the Streets and Highways Code, relating to county highways.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 959.1 of the Streets and Highways Code is amended to read:

959.1. In any proceeding for the abandonment of any county highway or part thereof, the board may in its order:

(a) Reserve and except from the abandonment the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across any highway or part thereof proposed to be abandoned and pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and for incidental purposes, including access to protect the property from all hazards in, upon and over the highway or part thereof proposed to be abandoned.

(b) Reserve and except from abandonment an easement for a future public road.

SEC. 2. Section 960.3 of the Streets and Highways Code is amended to read:

960.3. On abandonment of an easement or the vacation of a highway, when the county owns only an easement, title thereto reverts to the owner of the underlying fee except as otherwise provided in Section 959.1. Where the county owns the property on which the vacated highway was located in fee, the board of supervisors may dispose of the property as provided in Section 960.4.

CHAPTER 1291

An act to convey certain tide and submerged lands to the City of Santa Cruz, in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof, and reserving rights to the state.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. There is hereby granted to the City of Santa Cruz 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 tide and submerged lands, whether filled or unfilled, lying between Santa Cruz Point and the west jetty of the small craft harbor, more particularly described as follows:

Beginning at a station in the Bay of Monterey from which a granite monument at the Northwestern corner of lands conveyed by Almus L. Rountree and Elizabeth E. Rountree, his wife, to the United States of America by deed dated May 16, 1868, and recorded in Volume 11 of Deeds at Page 495, Santa Cruz County Records, bears North 38° West 1000.00 feet distant; thence from said point of beginning Northeasterly in a direct line to a station from which an "X" cut in the concrete at the intersection of the Eastern line of 4th Avenue with the Northern line of Atlantic Avenue, as said intersection is shown on "Record of Survey Map of the Lands of Russell Giffin Et Ux", filed in Volume 37 of Maps at Page 62, Santa Cruz County Records, bears North 22° 45' West 1618.00 feet distant; thence due East 100 feet, a little more or less, to the line of low tide on the Western side of the Western jetty at the entrance to the Santa Cruz Small Craft Harbor; thence Northerly along said low tide line to its intersection with the low tide line of the Bay of Monterey; thence Westerly along said last mentioned low tide line to the Eastern boundary of the tidelands conveyed to the Town of Santa Cruz by the People of the State of California, as described in Section 2 of an act entitled "An Act supplementary to and amendatory of an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six", approved March

21, 1872, as Chapter CCCXLII of the Statutes of California of the Nineteenth Session of the Legislature of the State of California; thence Westerly along the Southern boundary of said last mentioned lands to a station from which the place of beginning bears due East; thence due East about 100 feet to the place of beginning.

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 the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, 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.

(3) 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.

(4) 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, 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.

Any plan for development involving filling, dredging or other improvements must first be approved by the State Lands Commission 90 days prior to commencement of work thereon. In the event that the commission does not respond within 90 days of receipt, approval of the project is deemed to be given. The purpose of this provision is to insure that the provisions of Chapter 1642, Statutes of 1967, are being carried out and that any developments by local agencies pursuant to legislative grants or otherwise will be in accord with policies and plans included in the California Comprehensive Ocean Area Plan.

(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 Santa Cruz 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 1292

An act to amend Section 14115 of the Welfare and Institutions Code, relating to payments.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 14115 of the Welfare and Institutions Code is amended to read:

14115. Bills for service under this chapter shall be submitted not more than two months after the month in which the service is rendered, and shall be in the form prescribed by the director, except that in the event the patient does not identify himself to the provider as a Medi-Cal beneficiary, the provider shall be entitled to submit his statement at any time within 60 days after that date certified by the provider as the date said patient was first identified as a Medi-Cal beneficiary, provided, however that such date certified by the provider as the date the patient was first so identified shall be not later than one year after the month in which the service was rendered. Further, the director may, where he finds that delay in the submission of bills was caused by circumstances beyond the control of the provider, extend the period for submission of bills for a period not to exceed one year.

CHAPTER 1293

An act to amend Section 4534 of the Agricultural Code, relating to fairs.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 4534 of the Agricultural Code is amended to read:

4534. (a) The committee shall investigate, study, and analyze, when it deems it necessary, 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.

(b) The committee shall review regularly the administration of the Fair and Exposition Fund by the Division of Fairs and Expositions, or its successor in the department, and make recommendations to improve efficiency and economy in the operation of all fairs.

(c) The committee shall seek methods whereby private financing can be secured for support of all local fairs.

(d) The committee shall review regularly the capability of the Division of Fairs and Expositions, or its successor in the department, to administer and supervise the allocation of moneys from the Fair and Exposition Fund to all local fairs.

(e) The committee shall make recommendations to the Legislature regarding the establishment of new district agricultural associations or local fairs.

(f) The committee shall review regularly the criteria for the classification of fairs specified by Section 4507 and make recommendations for changes whenever appropriate.

(g) The committee shall encourage, where feasible, the conduct on a regular basis of joint or combined fairs pursuant to Section 4441.

CHAPTER 1294

An act to amend Sections 5271, 5272, and 5325 of the Business and Professions Code, relating to outdoor advertising.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 5271 of the Business and Professions Code is amended to read:

5271. No person shall place any advertising display unless there is securely fastened upon the front thereof an identification number plate of the character specified in Section 5272.

The placing of any advertising display without having affixed thereto an identification number plate is prima facie evidence that the advertising display has been placed and is being maintained in violation of the provisions of this chapter, and any such display shall be subject to removal as provided in Section 5312.

SEC. 2. Section 5272 of the Business and Professions Code is amended to read:

5272. Identification number plates shall be furnished by the director. Identification number plates shall bear the identification number of the advertising display to which they are assigned.

SEC. 3. Section 5325 of the Business and Professions Code is amended to read:

5325. (a) The permit fee for each advertising sign is fifty cents ($0.50) for an original permit and for each annual renewal thereof, except where the applicant has placed or maintained any such sign without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is one dollar and fifty cents ($1.50), one dollar ($1) of which is the penalty.

(b) For calendar year 1970, the permit fee for an advertising structure for the original permit and for each annual renewal thereof is seven dollars ($7), except where the applicant has placed or maintained such structure without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is eight dollars ($8), one dollar ($1), of which is the penalty.

(c) For calendar year 1971 and each calendar year thereafter, the permit fee for an advertising structure for the original permit and for each annual renewal thereof is six dollars ($6), except where the applicant has placed or maintained such structure without a valid, unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is seven dollars ($7), one dollar ($1), of which is the penalty.

CHAPTER 1295

An act to amend Sections 6502, 6503, and 6508 of the Education Code, relating to special schools.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 6502 of the Education Code is amended to read:

6502. The governing board of any school district, or the county board of education, 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

SEC. 2. Section 6503 of the Education Code is amended to read:

6503. Any governing board or county board of education 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.

SEC. 3. Section 6508 of the Education Code is amended to read:

6508. The governing board of a school district or school districts, as the case may be, or county board of education 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.

CHAPTER 1296

An act to amend Section 2 of the Burton Act (Chapter 1333 of the Statutes of 1968), relating to the Harbor of San Francisco.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 2 of the Burton Act (Chapter 1333 of the Statutes of 1968) is amended to read:

Sec. 2. The Director of Finance is hereby authorized to negotiate with the City and County of San Francisco for the transfer, in conformity with the provisions of this act, to the City and County of San Francisco, a municipal corporation of the State of California, or to its successor, in trust for purposes of commerce, navigation, and fisheries and subject to the terms and conditions specified in this act, all of the right, title and interest held by the State of California and acquired by virtue of its sovereignty or otherwise, in and to the real property located in the City and County of San Francisco and presently under the jurisdiction and control of the San Francisco Port Authority, together with all improvements, rights, privileges, easements and appurtenances connected therewith or in anywise appertaining thereto, and any and all personal property of every kind and description owned or controlled by the State of Cali-

fornia and used in connection with the operation and maintenance of San Francisco Harbor and including any deposits of funds held by or for the San Francisco Port Authority; excepting and reserving unto the State of California all subsurface mineral deposits, including oil and gas deposits, together with the right of ingress and egress on the properties conveyed to the City and County of San Francisco for exploration, drilling and extraction of such mineral, oil and gas deposits, subject, however, to the provision that during the term of any lease, franchise, permit or license of such property pursuant to Section 3 of this act, such mineral rights herein reserved to the State of California, including the right of ingress and egress, shall not be exercised so as to disturb or otherwise interfere with the leasehold estate or the rights or encumbrances to which any such lease, franchise, permit or license may be subject; provided, however, that any lease, franchise, permit or license of such property pursuant to Section 3 of this act must contain a provision specifying at least one point from which and the manner in which the right of ingress or egress to said subsurface deposits may be exercised, which said point or points may be outside the area of the leasehold, franchise, permit or license, providing the point or points are adequate to permit the rights reserved to the state to be exercised; and also reserving to the people of the State of California the right to hunt and fish in and over the waters of San Francisco Harbor. The negotiations shall be concluded by October 21, 1968, unless such time is extended by mutual agreement. Within three years after the effective date of this act, the State Lands Commission shall, at the cost of the Harbor Commission of the City and County of San Francisco, survey and monument the transferred lands, and record a description and plat thereof in the office of the recorder of the city and county. This act shall not apply to any property or interest in property, whether real or personal, owned by or under the jurisdiction or control of the Department of Public Works, Division of Highways, Division of Bay Toll Crossings, or the California Toll Bridge Authority. All that property described in Section 1770 of the Harbors and Navigation Code and transferred to the City and County of San Francisco by this act shall remain subject to any requirements of the Department of Public Works, Division of Bay Toll Crossings, Division of Highways, or the California Toll Bridge Authority for future right-of-way, or easement, or material for the construction, location, realignment, expansion and maintenance of bridges, highways or other transportation facilities without compensation to the City and County of San Francisco, except that in the event improvements, betterments or structures have been placed upon the property transferred, compensation shall be made to the City and County of San Francisco, and to any third party entitled thereto, for the value of the improvements, betterments, or structures taken, and except property that was orig-

inally acquired for valuable consideration, in which case compensation shall be made to the City and County of San Francisco. The Director of Finance shall be assisted in such negotiations by the Secretary for Agriculture and Services and the San Francisco Port Authority.

CHAPTER 1297

An act to amend Section 11655.5 of the Health and Safety Code, relating to marijuana and drugs.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 11655.5 of the Health and Safety Code is amended to read:

11655.5. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana (Cannabis sativa) and hallucinogenic drugs and to coordinate research efforts on such subjects.

There shall be established a Research Advisory Panel which shall consist of a representative of the State Department of Public Health, a representative of the Department of Mental Hygiene, the Chairman of the Interagency Council on Drug Abuse, a representative of the California State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, a representative of a private university in this state who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences. The Governor shall annually designate the private university represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana (Cannabis sativa) or hallucinogenic drugs in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects into the nature and effects of marijuana (Cannabis sativa) or hallucinogenic drugs, and shall inform the Chief of the Bureau of Narcotic Enforcement of the head of such approved research projects which are entitled to receive quantities of marijuana (Cannabis sativa) pursuant to Section 11655

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the

head of the research project to return any quantities of marijuana (Cannabis sativa) or hallucinogenic drugs to the Chief of the Bureau of Narcotic Enforcement.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

SEC. 2. Section 11655.5 of the Health and Safety Code is amended to read:

11655.5. The Legislature finds that there is a need to encourage further research into the nature and effects of marijuana (Cannabis sativa) and hallucinogenic drugs and to coordinate research efforts on such subjects.

There shall be established a Research Advisory Panel which shall consist of a representative of the State Department of Public Health, a representative of the Department of Mental Hygiene, the Chairman of the Interagency Council on Drug Abuse, a representative of the California State Board of Pharmacy, a representative of the Attorney General, a representative of the University of California who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences, and a representative of a private university in this state who shall be a pharmacologist or physician or a person holding a doctorate degree in the health sciences. The Governor shall annually designate the private university represented on the panel. Members of the panel shall be appointed by the heads of the entities to be represented, and they shall serve at the pleasure of the appointing power.

The panel may hold hearings on, and in other ways study, research projects concerning marijuana (Cannabis sativa) or hallucinogenic drugs in this state. Members of the panel shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties.

The panel may approve research projects into the nature and effects of marijuana (Cannabis sativa) or hallucinogenic drugs, and shall inform the Chief of the Bureau of Narcotic Enforcement of the head of such approved research projects which are entitled to receive quantities of marijuana (Cannabis sativa) pursuant to Section 11655.

The panel may withdraw approval of a research project at any time, and when approval is withdrawn shall notify the head of the research project to return any quantities of marijuana (Cannabis sativa) to the Chief of the Bureau of Narcotic Enforcement.

The panel shall report annually to the Legislature and the Governor those research projects approved by the panel, the nature of each research project, and, where available, the conclusions of the research project.

SEC. 3. It is the intent of the Legislature, if amendments to Section 11655.5 of the Health and Safety Code proposed by

both this bill and A.B. 1264 are enacted, that both amendments be given effect and incorporated in Section 11655.5 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 1264 is enacted and amends Section 11655.5, Section 2 of this act shall become operative on the effective date of this act and Section 1 of this act shall not take effect

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CHAPTER 1298

An act to amend Section 39052 of, and to add Section 39068, 39100.3, and 39155 to, the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 39052 of the Health and Safety Code is amended to read:

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.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969

(h) Adopt formal procedures, after consultation with the Department of Public Health for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned, and

submit a copy of these procedures to the Legislature by January 1, 1969.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures as soon as possible, but in no event later than 45 days after the effective date of the amendments to this section enacted by the Legislature at the 1968 Regular Session, specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions. These regulations are to be submitted to the Legislature by January 1, 1969.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars ($50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

SEC. 1.5. Section 39052 of the Health and Safety Code is amended to read:

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.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(h) Adopt formal procedures, after consultation with the Department of Public Health, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures as soon as possible, but in no event later than 45 days after the effective date of the amendments to this section enacted by the Legislature at the 1968 Regular Session, specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures.

(*l*) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions. These regulations are to be submitted to the Legislature by January 1, 1969.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars ($50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall be applicable only to motor vehicles for which emission stand-

ards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested

SEC. 2. Section 39068 is added to the Health and Safety Code, to read:

39068. All penalties paid to the board pursuant to subdivision (m) of Section 39052 shall be paid into the State Treasury for credit to the Motor Vehicle Pollution Control Fund, which fund is hereby created. The money paid into the Motor Vehicle Pollution Control Fund is continuously appropriated to the board to carry out the provisions of this part.

SEC. 3. Section 39100 3 is added to the Health and Safety Code, to read:

39100.3. No manufacturer who pays a penalty pursuant to subdivision (m) of Section 39052 shall add the amount of such penalty to the cost of any motor vehicles sold by such manufacturer and any provision of any contract of sale including such penalty as part of the cost of a motor vehicle shall be void and unenforceable

It is the intent of the Legislature that the Air Resources Board shall determine the total number of vehicles to be tested on the assembly line and the date that this testing shall be initiated, after having first considered preliminary data obtained from both foreign and domestic manufacturers for the purpose of verifying the testing and reporting procedures required to assure equitable application of the provisions of subdivision (m) of Section 39052 to all motor vehicle manufacturers. In making these determinations, the board must give consideration to the economic and technological feasibility of the assembly line test procedure.

SEC. 4. Section 39155 is added to the Health and Safety Code, to read:

39155. Each new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter shall be in all material respects substantially the same in construction as the test engine and transmission combination which has been approved by the board in accordance with Section 39151, provided that changes with respect to new motor vehicles previously approved may be made if such changes do not increase emissions above those for which approval was granted and provided that such changes are made in accordance with procedures specified by the board pursuant to subdivision (k) of Section 39052.

SEC. 5. It is the intent of the Legislature, if amendments to Section 39052 of the Health and Safety Code proposed by both this bill and A.B. 896 are enacted, that both amendments be given effect and incorporated in Section 39052 in the form set forth in Section 1.5 of this act. Therefore, in the event A.B. 896 is enacted and amends Section 39052, Section 1.5 of this act shall become operative on the effective date of this act and Section 1 of this act shall not take effect.

CHAPTER 1299

An act to amend Section 3300.5 of the Education Code, relating to reorganization of school districts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 3300.5 of the Education Code is amended to read:

3300.5. Notwithstanding any other provisions of this code, proposals in a county master plan to form unified school districts providing in part for the division of each of two or more high school districts, and which include two or more existing unified school districts in the proposals, shall be voted upon by the electors of all the territory included in the county master plan at a single election. The results of such election shall in no way change the organizational status of the existing unified school districts. If a majority of votes is cast in favor of the proposals in any of the proposed unified school districts, the unified school district proposed is approved and formed. If a majority of votes is not cast in favor of the proposals in any of the proposed unified school districts, the unified school districts proposed are not approved and formed.

A county master plan provided for in this section shall be submitted to the State Board of Education on or before December 31, 1969. After approval by the State Board of Education, the county superintendent of schools shall set an election to decide the adoption or rejection of the proposals on or before June 2, 1970. Succeeding elections shall be made pursuant to Article 6 (commencing with Section 3291) of Chapter 10 of this division.

If the proposals are either approved or disapproved at such election, the territory included within the entire county master plan, including the two or more existing unified school districts, shall be subject to the provisions of Sections 17702.2, 17702.3, 17706, and 17680, and the provision of Chapter 3.5 (commencing with Section 20910) of Division 16.

For the purposes of approving proposed new unified school districts under this code section the State Board of Education shall consider subdivisions (a), (c), (d), and (e) of Section 3100.

CHAPTER 1300

An act to amend Section 25210.65 of the Government Code, relating to financing county service areas.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 25210.65 of the Government Code is amended to read:

25210.65. Each year at the time the board of supervisors fixes and levies taxes for county purposes it shall also fix the rates of county service area taxes and shall levy the taxes upon all taxable property within the area. The rate shall be such as will produce, after due allowance for delinquency as fixed by the board, the amount found by deducting from the estimate, finally approved by the board, the amount of estimated revenue from other sources of the county service area during the fiscal year and any available surplus. With respect to any county service area formed between January 1 and June 1, 1966, the board may levy an annual special assessment upon the property within the county service area for recreational services and facilities benefiting such property.

CHAPTER 1301

An act to amend Sections 34315, 35121.6, 35313.6, 54797.1, 54799.1, 56003.2, 56053, 56068, 56155, 56156, 56157, 56170, 56172, 56173, 56174, 56175, 56180, 56182, 56183, 56184, 56185, 56190, 56198, 56211, 56212, 56260, 56262, 56263, 56263.1, and 56315, and to add Sections 54776.1, 54776.2, 54797.2 and 54797.3 to, and to repeal Sections 56060 and 56197 of the Government Code and to amend Sections 13948 and 32002 of, and to add Article 7 (commencing with Section 4650) to, Chapter 1, Part 3, Division 5 of the Health and Safety Code, and to amend Section 5780.8 of the Public Resources Code, relating to local agency formation commissions.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 34315 of the Government Code is amended to read:

34315. On the final hearing, the board may make such changes in the proposed boundaries as it finds proper, and shall define the boundaries, and determine how many inhabitants, or in a county with a population of 2,000,000 or more how many registered voters, reside within the boundaries.

If the board makes any changes in the boundaries of the proposed city it shall resubmit the boundaries as changed to the local agency formation commission pursuant to Section 54799.1 for reconsideration.

SEC. 2. Section 35121.6 of the Government Code is amended to read:

35121.6. If the legislative body of the city makes any changes in the boundaries in accordance with the provisions of Section 35121.5, it shall resubmit the boundaries as changed to the local agency formation commission pursuant to Government Code Section 54799.1 for reconsideration.

SEC. 3. Section 35313.6 of the Government Code is amended to read:

35313.6. If the legislative body of the city makes any changes in the boundaries in accordance with the provisions of Section 35313.5, it shall resubmit the boundaries as changed to the local agency formation commission pursuant to Government Code Section 54799.1 for reconsideration.

SEC. 4. Section 54776.1 is added to the Government Code, to read:

54776.1. On or before the 10th day of June the commission shall prepare and transmit to the board of supervisors an estimate of the amount of money needed for the purposes prescribed by Section 54776 during the following fiscal year. The board of supervisors shall provide for the use of the commission during said fiscal year the amount of money so fixed by the commission. The county auditor shall audit and allow or reject all claims for expenditures for county charges incurred pursuant to the provisions of this chapter in lieu of, and with the same effect as, allowance or rejection of claims by the board of supervisors.

SEC. 5. Section 54776.2 is added to the Government Code, to read:

54776.2. The commission may at any time authorize the destruction of any duplicate record, paper, or other document if the original, or a photographic copy thereof, is retained in the files of the commission. The commission may authorize the destruction of original records more than two years old if a photographic copy thereof is made and preserved.

SEC. 6. Section 54797.1 of the Government Code is amended to read:

54797.1. If an application for an annexation to, or a detachment from, a city is signed by all of the owners of land within the territory proposed to be annexed or detached, 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 or detachment, the commission may approve such annexation or detachment without notice and hearing. In such cases the commission may also approve and authorize the legislative body of the city to annex or detach 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. 7. Section 54797.2 is added to the Government Code, to read:

54797.2. If an application for the formation of a district is signed by all of the owners of land proposed to be included within the district, and is accompanied by proof, satisfactory to the commission, that all of the owners within such territory have given their written consent to the proposed formation, the commission shall hold a hearing on the proposed formation. In such cases, however, the commission may approve and authorize the board of supervisors, or other appropriate legislative body, to order the formation of the district (1) without notice and hearing by the legislative body, (2) without an election, or (3) 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. 7.5. Section 54797.3 is added to the Government Code, to read:

54797.3. Any person may, prior to any meeting, request any local agency formation commission to cause a transcript record to be made of such meeting. If the cost of such record is borne by such person, the commission shall cause a transcript record to be made.

SEC. 8. 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, including minor or major changes in boundaries of proposed new cities or annexations to existing cities, such legislative body shall 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. 8 5. Section 13948 of the Health and Safety Code is amended to read:

13948. Any city, or portion thereof, may be included within a district upon the adoption of an ordinance by the city governing body requesting the inclusion which is approved by the district board. The district board may require as a condition to the inclusion that the city or portion thereof included within the district remain a part of the district for a period of time not to exceed 10 years. Upon the expiration of the period of time set forth in the conditions or, if none, at any time, the legislative body of the city may provide by ordinance for the withdrawal of the territory of the city from the district. The withdrawal shall be effective upon the date fixed by the legislative body of the city in the ordinance, which date is on or after the date of the adoption of the ordinance. Where the withdrawal is effective on or before January 1st of the fiscal year the district shall furnish fire protection services to the territory withdrawn until the first day of July next succeeding. Where the withdrawal is effective subsequent to January 1st of the fiscal year and the territory is subject to district taxation for the succeeding fiscal year the district shall furnish fire protection services to the territory until the 30th day of June of the fiscal year next succeeding.

Immediately after the approval by the district board of an ordinance of a city governing body including the city or portion thereof, within the district, the clerk of the legislative body of the city shall file a copy of the ordinance, describing the territory included and the date of its inclusion, with the governing body of the district Immediately after the adoption of an ordinance withdrawing the territory of a city from the district, the clerk of the legislative body of the city shall file a copy of the ordinance, describing the territory withdrawn and the date of its withdrawal, with the governing body of the district and with the tax levying authority of the district. Whenever a copy of an ordinance including a city or portion thereof, within the district, or a copy of an ordinance withdrawing the territory of a city from a district, pursuant to this section is filed with the district board, the tax levying authority of the district shall comply with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 9. Section 56053 of the Government Code is amended to read:

56053. "Sufficient petition" means a petition which upon its filing and certification, imposes a mandatory duty upon the commission to hold a hearing and make determinations with respect to the proposal contained in such petition.

SEC. 10. Section 56060 of the Government Code is repealed.

SEC. 11. Section 56068 of the Government Code is amended to read:

56068. "Reorganization" means one or more changes of organization proposed for each of one or more subject districts, including cities, landowner-voter districts or resident-voter districts, the formation of one or more new districts or any combination thereof, all such changes of organization and formations being pursuant to a single plan of reorganization.

The detachment of territory from one district and the annexation of all or a portion of such territory to another district shall not constitute a reorganization.

SEC. 12. Section 56155 of the Government Code is amended to read:

56155. Each certificate of the executive officer shall be signed and dated. Such certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination.

SEC. 13. Section 56156 of the Government Code is amended to read:

56156 If the petition, including any supplemental petition, shall be certified to be insufficient, it shall be filed with the executive officer as a public record, without prejudice to the filing of a new petition.

SEC. 14. Section 56157 of the Government Code is amended to read:

56157. If the petition, including any supplemental petition, shall be certified to be sufficient, the executive officer shall set the matter for hearing by the commission and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) of this division. The executive officer shall give mailed notice to the chief petitioners, if any, stating that the petition has been found to be sufficient.

SEC. 15. Section 56170 of the Government Code is amended to read:

56170. Petitions for the annexation or detachment of territory to or from a resident-voter district shall be signed as follows:

(1) By not less than 5 percent of the resident-voters within the territory proposed to be annexed or detached, or

(2) By not less than 5 percent of the number of landowners within the territory proposed to be annexed or detached who also own not less than 5 percent of the assessed value of land within such territory.

SEC. 16. Section 56172 of the Government Code is amended to read:

56172. Petitions for the consolidation of two or more resident-voter districts shall be signed by not less than 5 percent of the resident-voters within each of the several districts

SEC. 17. Section 56173 of the Government Code is amended to read:

56173. Petitions for the dissolution of a resident-voter district shall be signed as follows:

(1) By not less than 5 percent of the resident-voters within the district, or

(2) By not less than 5 percent of the number of landowners within the district who also own not less than 5 percent of the assessed value of land within the district.

SEC. 18. 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 sufficient 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. 19. Section 56175 of the Government Code is amended to read:

56175. Petitions for a merger of a resident-voter district of limited powers which overlaps a city or for the establishment of such district as a subsidiary district of such city shall be signed as follows:

(1) Five percent of the resident-voters of such district; or

(2) Five percent of the registered voters residing within the territory of the city outside the boundaries of said district.

SEC. 20. Section 56180 of the Government Code is amended to read:

56180. Petitions for the annexation or detachment of territory to or from a landowner-voter district shall be signed by not less than 5 percent of the number of landowners owning land within the territory proposed to be annexed or de-

tached who also own not less than 5 percent of the assessed value of land within such territory.

SEC. 21. Section 56182 of the Government Code is amended to read:

56182. Petitions for the consolidation of two or more landowner-voter districts shall be signed by landowner-voters within each of the several districts constituting not less than 5 percent of the number of landowner-voters owning land within each of the several districts and who also own not less than 5 percent of the assessed value of land within each of the several districts.

SEC. 22. Section 56183 of the Government Code is amended to read:

56183. Petitions for the dissolution of a landowner-voter district shall be signed by not less than 5 percent of the number of landowner-voters within the district who also own not less than 5 percent of the assessed value of land within such district.

SEC. 23. Section 56184 of the Government Code is amended to read:

56184. Notwithstanding the provisions of Section 56183, a petition for the dissolution of a landowner-voter district signed by three or more landowner-voters within the district shall be deemed a sufficient petition if it contains the recitals and statements provided for by Section 56174.

SEC 24. Section 56185 of the Government Code is amended to read:

56185. Petitions for a merger of a landowner-voter district of limited powers which overlaps a city or for the establishment of such district as a subsidiary district of such city shall be signed as follows:

(1) Five percent of the number of landowner-voters within such district who also own not less than 5 percent of assessed value of land within such district; or

(2) Five percent of the registered voters residing within the territory of such city outside the boundaries of the district.

SEC. 25 Section 56190 of the Government Code is amended to read:

56190. Petitions for reorganization shall be signed so as to comply with the applicable signature requirements of Articles 3 (commencing with Section 56170) and 4 (commencing with Section 56180) of this chapter with respect to each of the various changes of organization proposed in such petition

SEC. 26. Section 56197 of the Government Code is repealed.

SEC. 27. Section 56198 of the Government Code is amended to read:

56198 Upon the filing of a resolution of application, the executive officer shall set the matter for hearing by the commission and give notice thereof in the manner provided by Part 4 (commencing with Section 56250) of this division

SEC. 28. Section 56211 of the Government Code is amended to read:

56211. Upon the presentation of any petition or applications making a proposal for a reorganization, the commission may take proceedings pursuant to Part 4 (commencing with Section 56250) without referring said proposal to a reorganization committee, as provided in this Part 3.

SEC. 29. Section 56212 of the Government Code is amended to read:

56212. Before any such proposal shall be referred to any reorganization committee, the commission may provide for a public hearing on the question of whether such proposal should be disapproved or referred to a reorganization committee and set a time and place for such hearing.

SEC. 30. Section 56260 of the Government Code is amended to read:

56260. The commission may make the following determinations without notice and hearing:

(a) Approval or disapproval of any proposal for a minor boundary change.

(b) Disapproval of any proposal for a reorganization.

(c) Subject to the limitations of Section 56261, approval of a proposal for an annexation or detachment.

Except for the foregoing determinations, the commission shall not make any determinations upon any proposal, plan of reorganization or report and recommendation of a reorganization committee until after public hearing by the commission thereon

SEC. 31. Section 56262 of the Government Code is amended to read:

56262. Upon the filing with the executive officer of any sufficient 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. 32. Section 56263 of the Government Code is amended to read:

56263. Prior to approval of any 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.

SEC. 33. Section 56263.1 of the Government Code is amended to read:

56263.1. If any sufficient 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. 34. Section 56315 of the Government Code is amended to read:

56315. In any proceedings for the annexation of territory to any district, where the terms and conditions provide for the formation of such territory into a new improvement district or the annexation of such territory to an existing improvement district and in any proceedings for the annexation of territory to a benefit district, the board of directors shall have the power and duty to exclude any lands proposed to be annexed which said board finds will not be benefited by becoming a part of any such district or improvement district.

For the purpose of completing any such proceedings, including the findings provided for by Sections 56316 and 56317, any land so excluded shall no longer be considered a part of the territory proposed to be annexed.

SEC. 34.2. Article 7 (commencing with Section 4650) is added to Chapter 1, Part 3, Division 5 of the Health and Safety Code, to read:

Article 7. Withdrawal

4650. Territory within the Atherton Channel Drainage District may be withdrawn from such district pursuant to Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

SEC. 34.3. 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 or for the inclusion of a city or a portion thereof in a district. 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. 34.4. 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 2 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. 35. Section 5780.8 of the Public Resources Code is amended to read:

5780.8. In the event of conflict between the provisions of this chapter and those of Division 1 (commencing with Section 56000) Title 6 of the Government Code, the provisions of Division 1, Title 6 shall prevail.

CHAPTER 1302

An act to amend Sections 69894.1, 69895, 69900, 69995, 70046.2, 70047, 70048, 70050.5, 70057, 70102, 70130, 70141.6, 70141.7, 70141.10, 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, 73090.1, 73433.5, 73444, 73482, 73483, 73484, 73485, 73486, 73487, 73488, 73562, 73563, 73642, 73643, 73648, 73649, 73674, 73676, 73677, 73682, 73683, 73694, 73772, 73773, 73781, 73911, 73912, 73914, 73915, 73952, 73953, 73958, 73959, 74002, 74003, 74004, 74132, 74134, 74135, 74136, 74137, 74138, 74139, 74192, 74193, 74194, 74195, 74196, 74222, 74223, 74342, 74343, 74343.1, 74343.2, 74344, 74350, 74357, 74361 74364, 74369, 74374, 74376, 74502, 74503, 74504, 74642, 74644, 74644.1, 74693, 74693.2, 74702, 74703, 74722, 74723, 74802, 74803, 74804, 74805, 74806, 74807, 74808, 74844, 74845, 74846, 74847, 74904, 74905, 74906, 74907, 74908, 74912, 74922, 74923, 74924, and 74925 of, to amend the heading of Article 9 (commencing with Section 73640) of Chapter 10 of Title 8 of, to add Sections 69994, 69994.1, 69994.2, 69994.3, 69994.4, 69994.5, 69994.6, 69994.7, 69994.8, 69994.9, 70141 11, 72604.1, 73432, 73433, 73433.7, 73438.1, 73822, 73823, 73824, and 74352 to, to add Article 32.1 (commencing with Section

74815) and Article 37 (commencing with Section 74934) to Chapter 10 of Title 8 of, and to repeal Sections 69994, 73432, 73433, 73433.7, 73490, 73822, 73823, 73824, 73825, and 74352 of, the Government Code, relating to courts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 69894.1 of the Government Code is amended 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
5	Accounting clerk	32
2	Accounting technician	36
1	Administrative analyst	55
14	Administrative secretary	41
1	Assistant jury commissioner	58
1	Assistant executive officer	69
1	Assistant supervising conciliation counselor	64
1	Assistant supervising counselor, mental health	60
1	Assistant supervising probate attorney	70
1	Assistant supervising traffic hearing officer	60
2	Chief clerk	47
45	Clerk I	24
65	Clerk II	28
35	Clerk III	34
18	Clerk III—Secretary	35
2	Clerk IV	41
18	Conciliation counselor	60
38	Counselor	49
30	Court commissioner	75
205	Court reporter	60
1	Court reporter assignment clerk	40
1	Court statistician	49
1	Criminal courts coordinator	59
1	Director administrative services	63
1	Director counselor services	71
1	Driver-messenger	32
1	Duplicating and mail unit supervisor	35
1	Executive assistant	59
1	Executive officer	82
1	Executive secretary	51
1	Finance officer	58
10	Interpreter	34
1	Jury commissioner	65
5	Jury interviewer	42
1	Jury qualification supervisor	46

Number	Title	Schedule
25	Juvenile traffic hearing officer	54
19	Law clerk	47
5	Legal research assistant	40
27	Legal secretary	37
1	Offset duplicator operator	30
1	Payroll records supervisor	41
1	Personnel officer	58
3	Principal counselor	57
6	Probate checker	40
15	Probate attorney	66
1	Procurement assistant	37
1	Property and services coordinator	51
4	Property custodian-auditor	33
1	Psychiatric physician	FD $108
38	Referee	72
1	Research attorney	66
1	Secretary and assignment clerk	37
1	Secretary and personnel clerk	37
1	Secretary to executive officer	48
1	Senior administrative assistant	49
20	Senior counselor	53
30	Senior judicial secretary	39
10	Senior juvenile traffic hearing officer	56
1	Senior property custodian-auditor	39
12	Senior stenographic secretary	44
1	Supervising conciliation counselor	68
1	Supervising counselor, mental health	68
1	Supervising judicial secretary	51
1	Supervising juvenile traffic hearing officer	64
1	Supervising probate attorney	75
1	Supervising referee	75
1	Supply clerk	31

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. 1.1. 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, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner

pursuant to Section 69893, the salary of the executive officer shall be a minimum salary of two thousand ninety dollars ($2,090) monthly during first year of service, two thousand one hundred ninety-one dollars ($2,191) monthly during second year of service, two thousand two hundred ninety-five dollars ($2,295) monthly during third year of service, and two thousand four hundred ten dollars ($2,410) monthly during fourth year of service and thereafter.

In such a county or city and county, on the authorization of the judges, the executive officer shall have three administrative assistants who shall each receive a salary of one thousand two hundred sixty-five dollars ($1,265) monthly during first year of service, one thousand three hundred twenty-five dollars ($1,325) during second year of service, one thousand three hundred eighty dollars ($1,380) monthly during third year of service, and one thousand four hundred fifty dollars ($1,450) monthly during fourth year of service and thereafter, and two assistant secretaries who shall be paid a minimum salary of nine hundred seventy dollars ($970) monthly for the first year of service, a salary of one thousand dollars ($1,000) monthly during the second year of service, a salary of one thousand fifty dollars ($1,050) monthly during third year of service, and a maximum salary of one thousand one hundred dollars ($1,100) monthly thereafter.

The increment shall be paid commencing on the first day of the month following the first, second, and third anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted at the 1969 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The administrative assistants shall assist also in the performance of the duties of jury commissioner. The salaries of the executive officer and administrative assistants and such assistants shall be paid by the county or city and county in which they serve.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

SEC. 1.2. 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, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3	Step 4
Eight judicial secretaries	$735	$753	$772	$807
One senior clerk	725	740	761	782
Two information clerks	620	635	651	688
One calendar clerk	772	800	825	865

	Step 1	Step 2	Step 3	Step 4
One chief calendar clerk	1,165	1,215	1,265	1,325
One domestic relations commissioner	1,345	1,380	1,415	1,485
Four deputy domestic relations commissioners	1,020	1,050	1,075	1,128
One counselor of conciliation	1,200	1,230	1,260	1,320
One counselor in mental health	1,286	1,350	1,417	1,488
Three court commissioners	1,775	1,819	1,863	1,956
Four assistant court commissioners	1,171	1,229	1,290	1,357
Four juvenile referees	1,779	1,819	1,863	1,956
One administrative assistant (juvenile court)	1,090	1,135	1,175	1,235

All figures in the above columns represent the salaries to be paid monthly to each of the employees so appointed. All original appointments shall be at step 1, provided that on the first of the month following the first anniversary of the employee's appointment he shall advance to the second step, and thereafter on the first of the month following the second anniversary of the employee's appointment he shall advance to step 3, and thereafter on the first of the month following the third anniversary of the employee's appointment he shall advance to step 4, and thereafter shall be paid at the rate established by step 4. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

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 and 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 and 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 paragraph shall be on an interim basis and shall expire 60 days after the final adjournment of the next regular session of the Legislature unless ratified at such session.

The salaries of such employees shall be paid by the county or city and county in which they serve.

SEC. 1.3. Section 69994 of the Government Code is repealed.

SEC. 1.4. Section 69994 is added to the Government Code, to read:

69994 This article shall apply in a county having a population of more than 490,000 and less than 503,000, as determined by the 1960 federal census. The judges of the superior and municipal courts of such county, a majority concurring, may appoint as many regular official phonographic reporters as may be necessary to report the proceedings in the courts of the county and to perform such other duties as are prescribed by law. The number of reporters so appointed shall not exceed the number of offices of judges provided by law for superior and municipal courts of such county. Such reporters shall hold office during the pleasure of the judges of such court, a majority concurring.

SEC. 1.5. Section 69994.1 is added to the Government Code, to read:

69994.1. When needed in order that the judicial business of the courts in such county may be carried on without delay, the judges of such courts may appoint as many additional phonographic reporters as the business of the courts may require, who shall be known as official reporters pro tempore, and who shall be compensated at the rate of fifty-five dollars ($55) per day.

SEC. 1.6. Section 69994.2 is added to the Government Code, to read:

69994.2. The regular official phonographic reporters shall be compensated at an annual salary of fourteen thousand five hundred fifty-six dollars ($14,556), except that such reporters may be employed at an annual salary of thirteen thousand two hundred twenty-four dollars ($13,224) for the first year of service, and at an annual salary of thirteen thousand eight hundred sixty dollars ($13,860) for the second year of service.

SEC. 1.7. Section 69994.3 is added to the Government Code, to read:

69994.3. In addition to the compensation provided in this article, each salaried official reporter shall be entitled to, and shall receive, vacation and sick leave allowances, retirement, and other privileges and benefits as are now, or may hereafter be provided for the employees of the County of Sacramento, including the right to participate in any group accident, health, or life insurance plan adopted by the board of supervisors of the county.

For the purpose of such retirement system, the salary or compensation provided for reporters in this article shall be deemed their entire compensation.

SEC. 1.8. Section 69994.4 is added to the Government Code, to read:

69994.4. No further fee than that herein provided shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand the testimony and other proceedings in the trial

or hearing of any matter as required by law or by order of the court, except that in a civil case when a daily transcript is ordered by a party, such party shall pay for the services of a pro tempore reporter if required; but a phonographic reporter shall be allowed, and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcription shall be paid as provided by law.

SEC. 1.9. Section 69994.5 is added to the Government Code, to read:

69994.5. The salaries provided for in this article shall be paid in monthly installments from the general fund of the county, and shall be allowed and audited in the same manner as other salary demands against the county.

SEC. 1.10. Section 69994.6 is added to the Government Code, to read:

69994.6. This section shall be applicable to the superior court.

(1) In addition to any fee otherwise required, a fee of ten dollars ($10) shall be paid to the county clerk by each party, or jointly by parties appearing jointly in each of the following instances:

(a) Where Section 26821 requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(c) Where Section 26826 requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but such additional fee of ten dollars ($10) as in this section provided.

(d) Where Section 26827 requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

(2) All fees paid under this section shall be taxed as costs.

(3) The county clerk shall, on or before the first day of each calendar month, transmit to the county treasurer all money paid to him pursuant to this article during the preceding calendar month, up to the day immediately preceding the day on which he transmits such money, and such money shall be deposited in the general fund of such county.

SEC. 1.11. Section 69994.7 is added to the Government Code, to read:

69994.7. In all civil cases tried in the municipal court, the services of a reporter shall be had only upon the request of any party or parties to the action, and such party or parties shall pay therefor the per diem rate of official reporters pro tempore provided for in this article. The payment shall be made to the county clerk. Such payments are taxable as costs.

SEC. 1.12. Section 69994.8 is added to the Government Code, to read:

69994.8. All reporters appointed pursuant to this article shall be known as official court reporters of the County of Sacramento. As attachés of the court, official reporters shall not be subject to the authority of any county administrative office or civil service commission.

SEC. 1.13. Section 69994.9 is added to the Government Code, to read:

69994.9. With the approval of the board of supervisors the court may establish such additional classifications and rates of compensation as are required. Rates of compensation of regular official phonographic reporters may be adjusted by approval of the board of supervisors and a majority of the judges of the courts. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire 60 days after the final adjournment of the next regular session of the Legislature unless ratified at such session.

SEC. 1.14. 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 seven hundred fifty dollars ($750). 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.

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 twelve thousand dollars ($12,000) 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 nine dollars and fifty cents ($9.50).

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 fourteen thousand four hundred dollars ($14,400), 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. 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 sixteen thousand dollars ($16,000).

Official phonographic reporters pro tempore shall be compensated at the rate of fifty-five dollars ($55) a day, or any fractional part thereof.

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 fifteen thousand eight hundred forty dollars ($15,840), and the compensation of the official phonographic reporters pro tempore shall be at the rate of fifty-five dollars ($55) a day, or any fractional part thereof.

SEC 6. 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 eleven dollars and fifty cents ($11.50).

SEC. 6.1. 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 fourteen thousand forty dollars ($14,040), and the compensation of the official phonographic reporters pro tempore shall be at the rate of fifty-five dollars ($55) 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. 7. Section 70130 of the Government Code is amended to read:

70130. (a) In a county with a population of over 140,000 and not over 147,000 as determined by the 1960 federal decennial census, within which there is located a facility of the Department of Corrections of the State of California, the monthly salary of each full-time official reporter shall notwithstanding any other provision of law be as follows: for the first year of service commencing upon the effective date of the amendments made to this section during the 1969 Regular Session of the Legislature, one thousand one hundred ninety-five dollars ($1,195); for the first year thereafter, one thousand two hundred fifty-five dollars ($1,255); for the next year thereafter, one thousand three hundred eighteen dollars ($1,318); for the next year, one thousand three hundred eighty-five dollars ($1,385); and thereafter, one thousand four hundred fifty-four dollars ($1,454).

Any succeeding appointee to an official reporter position shall be compensated at the first step and advance to each higher step upon completion of each year of service. If the board of supervisors approves, new official reporters may be employed at the second or third step. Any official reporter who has previously elected to be paid on a per diem basis may continue on that basis.

(b) The compensation for each official reporter pro tempore shall be fifty dollars ($50) a day for each day he actually is on duty under order of the court.

(c) In addition to the compensation provided in this article, each full-time reporter of the superior court shall be entitled to, and shall receive, the same vacation, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

SEC. 7.1. Section 70141.6 of the Government Code is amended to read:

70141.6 In any county with a population exceeding 220,000 and not exceeding 235,000, as determined by the 1950 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 a monthly salary in accordance with the following salary range of five annual steps; one thousand four hundred ten dollars ($1,410) a month for the first year; one thousand four hundred eighty-one dollars ($1,481) a month for the second year; one thousand five hundred fifty-one dollars ($1,551) a month for

the third year; one thousand six hundred thirty-three dollars ($6,633) a month for the fourth year; and one thousand seven hundred fifteen dollars ($1,715) a month for the fifth year. He shall also be allowed actual traveling expenses pursuant to Section 70148.

SEC. 8. Section 70141.7 of the Government Code is amended to read:

70141.7. In any county with a population exceeding 503,000 and not exceeding 600,000, 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 a monthly salary in accordance with the following salary range of five annual steps; one thousand six hundred seventy-four dollars ($1,674) a month for the first year; one thousand seven hundred fifty-eight dollars ($1,758) a month for the second year; one thousand eight hundred forty-six dollars ($1,846) a month for the third year; one thousand nine hundred thirty-eight dollars ($1,938) a month for the fourth year; and two thousand thirty-five dollars ($2,035) a month for the fifth year He shall also be allowed actual traveling expenses pursuant to Section 70148.

SEC. 9. Section 70141.10 of the Government Code is amended 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 and such other administrative duties as the court deems appropriate. Any commissioner authorized to perform such duties shall receive an annual salary of eighteen thousand dollars ($18,000). The salary shall be automatically increased periodically at the time and in the manner specified by Section 68203 and a commissioner shall not receive any other compensation for the performance of any assigned duties.

SEC. 10. Section 70141.11 is added to the Government Code, to read:

70141.11. In any county with a population exceeding 400,000 and not exceeding 410,000 as determined by the 1960 federal census, the superior court may provide that the commissioner and the referee who shall have been a member of the State Bar for a period of at least five years immediately preceding his appointment and which referee has been appointed pursuant to Section 553 of the Welfare and Institutions Code,

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.

This section shall not affect any of the powers or duties otherwise authorized for a referee appointed pursuant to Section 553 of the Welfare and Institutions Code.

SEC. 11. Section 72604.1 is added to the Government Code, to read:

72604.1. Notwithstanding Section 72604, there shall be an official reporter in the Antelope Municipal Court District who 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, the official reporter shall receive a monthly salary equal to that provided by law for official reporters of the Los Angeles Municipal Court District.

SEC. 12. 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
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
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

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
46.5	841	883	927	974	1,023
47	862	905	950	998	1,048
47.5	883	927	974	1,023	1,074
48	905	950	998	1,048	1,100
48.5	927	974	1,023	1,074	1,127
49	950	998	1,048	1,100	1,155
49.5	974	1,023	1,074	1,127	1,184
50	998	1,048	1,100	1,155	1,213
50.5	1,023	1,074	1,127	1,184	1,243
51	1,048	1,100	1,155	1,213	1,274
51.5	1,074	1,127	1,184	1,243	1,306
52	1,100	1,155	1,213	1,274	1,338
52.5	1,127	1,184	1,243	1,306	1,371
53	1,155	1,213	1,274	1,338	1,405
53.5	1,184	1,243	1,306	1,371	1,440
54	1,213	1,274	1,338	1,405	1,475
54.5	1,243	1,306	1,371	1,440	1,512
55	1,274	1,338	1,405	1,475	1,549
55.5	1,306	1,371	1,440	1,512	1,588
56	1,338	1,405	1,475	1,549	1,626
56.5	1,371	1,440	1,512	1,588	1,667
57	1,405	1,475	1,549	1,626	1,707
57.5	1,440	1,512	1,588	1,667	1,750
58	1,475	1,549	1,626	1,707	1,792
58.5	1,512	1,588	1,667	1,750	1,837
59	1,549	1,626	1,707	1,792	1,882
59.5	1,588	1,667	1,750	1,837	1,929

SEC. 13. 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 55 of the salary schedule.

SEC. 14. 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 47 of the salary schedule.

SEC. 15. 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 50 of the salary schedule.

SEC. 16. 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 51 of the salary schedule.

SEC. 17. 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 49 of the salary schedule.

SEC 18. 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 48 of the salary schedule.

SEC. 19. 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 45 of the salary schedule.

SEC. 20. 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 43 of the salary schedule.

SEC. 21. 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 41 of the salary schedule.

SEC. 22. 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 37 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 23. 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 33 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 24. 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 next 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 serv-

ice, 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. 25. 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) Three deputy clerks grade II.

(d) Two deputy clerks grade I.

SEC. 26. 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) Six deputy clerks grade IV.

(c) Five deputy clerks grade III.

(d) Nine deputy clerks grade II.

(e) Three deputy clerks grade I.

SEC. 27. 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) Nineteen deputy clerks grade IV

(c) Thirteen deputy clerks grade III.

(d) Thirty-four deputy clerks grade II; provided, that not to exceed 10 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. 28. 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) Seven deputy clerks grade IV.

(c) Four deputy clerks grade III.

(d) Twelve deputy clerks grade II.

(e) Eight deputy clerks grade I.

SEC. 29. 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 IV.

(b) One deputy clerk grade III.

(c) Five deputy clerks grade II.

(d) Four deputy clerks grade I

SEC. 30. Section 73432 of the Government Code is repealed.

SEC. 32. Section 73432 is added to the Government Code, to read:

73432. There shall be one clerk of the municipal court, appointed by a majority of the judges of the court. He shall receive the biweekly salary specified in Range 49 of the salary schedule. The salary of the clerk of the municipal court shall be not less than 10 full range steps higher than the salary range in which the position of deputy municipal court clerk V is compensated.

SEC. 33. Section 73433 of the Government Code is repealed.

SEC 34. Section 73433 is added to the Government Code, to read:

73433. The clerk of the municipal court may appoint the following subordinates, each of whom shall receive biweekly salaries in accordance with Sections 73433.5 and 73441:

(a) One assistant, to be designated chief deputy municipal court clerk, who shall be the chief assistant to the clerk, who shall act under the direction of the clerk, who shall be empowered to act in the place and stead of the clerk in the event that the clerk is absent from his office or unavailable for any reason, and who shall receive the biweekly salary specified in Range 43 of the salary schedule. The salary of the chief deputy municipal court clerk shall be not less than five full range steps higher than the salary range in which the position of deputy municipal court clerk V is compensated.

(b) One deputy municipal court clerk V, who shall be chief clerk of the civil and small claims divisions of the court and who shall receive the biweekly salary specified in Range 38 of the salary schedule.

(c) Three deputy municipal court clerks IV, who shall act as the chief clerks of the criminal, traffic, and court clerk divisions of the court, respectively, and each of whom shall receive the biweekly salary specified in Range 37.5 of the salary schedule.

(d) Eight deputy municipal court clerks III, each of whom shall receive the biweekly salary specified in Range 35.5 of the salary schedule.

(e) One account clerk III municipal court, who shall receive the biweekly salary specified in Range 34 of the salary schedule.

(f) Five deputy municipal court clerks II, each of whom shall receive the biweekly salary specified in Range 32.5 of the salary schedule.

(g) One account clerk II municipal court, who shall receive the biweekly salary specified in Range 32 of the salary schedule.

(h) Eleven deputy municipal court clerks I, each of whom shall receive the biweekly salary specified in Range 27.5 of the salary schedule.

(i) Four clerks I, each of whom shall receive the biweekly salary specified in Range 24 5 of the salary schedule.

The salaries specified in subdivisions (b) through (i), inclusive, of this section may be adjusted pursuant to the provisions of Section 73433.5.

SEC. 35. Section 73433.5 of the Government Code is amended to read:

73433.5. The clerk and deputies clerk shall be paid biweekly pursuant to the payroll procedures in effect in the County of Kern.

(a) When, in this article, reference is made to a numbered range of the salary schedule, the following schedule of biweekly five-step rates shall apply:

Biweekly Salaries

Range No.	A	B	C	D	E
19.5	$113.61	$119.59	$125.57	$131.55	$138.45
20	116 37	122.81	128.79	135.23	142.13
20.5	119.59	125.57	131.55	138.45	145.35
21	122.81	128.79	135.23	142.13	149.03
21.5	125.57	131.55	138 45	145 35	152.71
22	128.79	135.23	142.13	149.03	156.39
22 5	131.55	138.45	145 35	152.71	160.07
23	135.23	142.13	149.03	156 39	164 20
23.5	138.45	145.35	152.71	160.07	168.35
24	142.13	149.03	156.39	164.20	172 48
24.5	145.35	152.71	160 07	168.35	176.63
25	149.03	156.39	164.20	172.48	181 23
25.5	152.71	160.07	168.35	176.63	185.83
26	156.39	164.20	172 48	181.23	190.43
26.5	160.07	168.35	176.63	185.83	195.03
27	164.20	172.48	181.23	190.43	200.55
27 5	168.35	176.63	185.83	195.03	205.14
28	172.48	181.23	190.43	200.55	210.20
28.5	176.63	185.83	195.03	205.14	215.72

Range No.	A	B	C	D	E
29	181.23	190.43	200.55	210.20	221.24
29.5	185.83	195.03	205.14	215.72	226.30
30	190.43	200 55	210.20	221.24	232.28
30.5	195.03	205.14	215.72	226.30	237.80
31	200.55	210.20	221.24	232.28	243.78
31.5	205 14	215.72	226.30	237.80	249.76
32	210.20	221.24	232.28	243.78	255.74
32 5	215.72	226 30	237.80	249.76	262.18
33	221.24	232.28	243.78	255 74	268.62
33 5	226.30	237.80	249.76	262.18	275 06
34	232.28	243 78	255.74	268.62	282.42
34 5	237.80	249.76	262.18	275.06	288.86
35	243.78	255.74	268.62	282.42	296.68
35.5	249.76	262.18	275.06	288.86	303.58
36	255.74	268 62	282.42	296.68	311.40
36.5	262.18	275 06	288 86	303.58	318.76
37	268.62	282.42	296.68	311.40	327.04
37.5	275.06	288.86	303.58	318.76	334.85
38	282 42	296.68	311.40	327.04	343.60
38.5	288.86	303 58	318.76	334.85	351.41
39	296.68	311.40	327.04	343.60	360.61
39 5	303.58	318.76	334.85	351 41	368 89
40	311.40	327.04	343.60	360 61	378.55
40.5	318.76	334.85	351 41	368.89	387.75
41	327 04	343.60	360 61	378.55	397.41
41.5	334.85	351.41	368 89	387.75	407.07
42	343.60	360 61	378.55	397.41	417.19
42 5	351.41	368.89	387.75	407.07	427.31
43	360 61	378.55	397.41	417.19	438.35
43 5	368 89	387.75	407.07	427.31	448.47
44	378.55	397.41	417.19	438.35	459.96
44 5	387 75	407.07	427 31	448.47	471 00
45	397.41	417 19	438 35	459.96	482.96
45.5	407.07	427.31	448 47	471.00	494.46
46	417.19	438.35	459.96	482.96	506.88
46 5	427.31	448.47	471.00	494.46	519.30
47	438 35	459.96	482 96	506 88	532 64
47.5	448 47	471.00	494.46	519.30	545 52
48	459.96	482 96	506.88	532.64	558 86
48.5	471.00	494 46	519 30	545.52	572.65
49	482.96	506 88	532.64	558.86	586.92
49 5	494 46	519.30	545 52	572.65	601 17
50	506.88	532.64	558 86	586.92	616.35
50.5	519.30	545.52	572.65	601.17	631.07
51	532.64	558.86	586 92	616 35	647.17
51.5	545.52	572.65	601.17	631.07	662.81
52	558.86	586 92	616 35	647.17	679.36
52.5	572 65	601.17	631 07	662.81	695 92
53	586.92	616.35	647.17	679.36	713.40

Range No.	A	B	C	D	E
53.5	601.17	631 07	662 81	695.92	730.42
54	616.35	647.17	679.36	713 40	748.82
54.5	631.07	662.81	695.92	730 42	767.22
55	647.17	679 36	713.40	748.82	786.54
55.5	662 81	695.92	730.42	767.22	805.40
56	679.36	713.40	748.82	786.54	825.64
56.5	695.92	730 42	767.22	805.40	845.88
57	713.40	748.82	786.54	825.64	867.04
57.5	730.42	767.22	805.40	845.88	887.73
58	748.82	786 54	825.64	867 04	910.27
58.5	767.22	805 40	845.88	887.73	932 35
59	786.54	825 64	867 04	910.27	955 80
59.5	805.40	845.88	887.73	932.35	978.80

(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.

(d) Certain positions in the municipal court are comparable to certain positions in the classified civil service of the County of Kern. The comparable positions are, respectively, as follows:

Municipal court classifications	County classifications
Deputy municipal court clerk V	Legal clerk II
Deputy municipal court clerk IV	Superior court clerk II
Deputy municipal court clerk III	Superior court clerk I
Account clerk III, municipal court	Account clerk III
Deputy municipal court clerk II	Clerk IV
Account clerk II, municipal court	Account clerk II
Deputy municipal court clerk I	Typist-clerk II
Clerk I	Typist-clerk I

The salaries paid by the County of Kern to persons holding the positions in the classified service of the County of Kern hereinabove designated are paid in accordance with ordinances of said county adopted under the laws of the state and pursuant to a standardized salary schedule which, with respect to the several steps and ranges set forth in subdivision (a) of this section, is identical to the salary schedule in subdivision (a) of this section. If and when the Board of Supervisors of the County of Kern adjusts the salaries paid to persons holding one or more of the respective positions among the county classifications hereinabove set forth, the salaries paid to persons holding each and every respective comparable position among the municipal court classifications hereinabove set forth shall be adjusted commensurately and in accordance with the provisions of this section. Such adjustment shall be effective the same date as the effective date of the action of said board of supervisors applicable to the respective and comparable county classifications. If such action by said board of supervisors is effective on any date in 1969 prior to the effective date of the amendment of this section by the Legislature during the 1969 Regular Session of the Legislature, commensurate adjustments in accordance with the provisions of this section shall be made on the effective date of said amendment with respect to each and every respective, affected and comparable position among the municipal court classifications hereinabove set forth. No salary adjustment exceeding four

full range steps in the respective salaries specified in Section 73433 and this section may be made pursuant to this subdivision. In the event any amendment to the standardized salary schedule of Kern County and the steps and ranges in subdivision (a) of this section, impairs or alters the identity now existing between the standardized salary schedule of Kern County and the steps and ranges in subdivision (a) of this section, the salaries of the comparable positions among the municipal court classifications hereinabove set forth may not thereafter be adjusted pursuant to this subdivision.

SEC. 36. Section 73433.7 of the Government Code is repealed.

SEC. 37. Section 73433.7 is added to the Government Code, to read:

73433.7. No salary of the clerk or any deputy clerk of the municipal court or any clerk employed in a position in the office of the clerk of the court on the last court day immediately preceding the effective date of the amendments to this article by the 1969 Regular Session of the Legislature shall be reduced except for cause relating to the discipline of such employee or pursuant to the adjustment provisions of Section 73433.5.

SEC. 38. Section 73438.1 is added to the Government Code, to read:

73438.1. There shall be one judicial secretary, to be appointed by a majority of the judges of the court. The judicial secretary shall hold office during the pleasure of the judges of such court. The judicial secretary shall be considered an attaché of the court.

The judicial secretary shall receive a biweekly salary at the rate specified in Range 37 of the salary schedule commencing at the step agreed upon by a majority of the judges of the court.

SEC. 39. Section 73444 of the Government Code is amended to read:

73444. The term "attaché," as used in this article, means the clerk of the municipal court, the deputy clerks, official reporters, and the judicial secretary.

SEC. 40. Section 73482 of the Government Code is amended to read:

73482. There shall be one clerk, who shall be the administrative officer and act as secretary to the judge and who shall receive a salary in accordance with Section 73487.

SEC. 41. Section 73483 of the Government Code is amended to read:

73483. The clerk may appoint:

(a) One deputy clerk IV who shall be assistant administrative officer and chief deputy.

(b) Two deputy clerks III.

(c) Three deputy clerks II.

(d) Three deputy clerks I.

SEC. 41.1. Section 73484 of the Government Code is amended to read:

73484. There shall be one marshal who shall receive a salary of nine hundred fifty dollars ($950) a month.

SEC. 42. Section 73485 of the Government Code is amended to read:

73485. The marshal may appoint:

(a) Two deputy marshals.

(b) Two clerk-typists II.

SEC. 43. Section 73486 of the Government Code is amended to read:

73486. The following biweekly 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	$158.40	$166.40	$174.40	$183.20	$192.00
18.5	162.40	170.40	178.40	187.20	196.80
19	166.40	174.40	183.20	192.00	201.60
19.5	170.40	178.40	187.20	196.80	206.40
20	174.40	183.20	192.00	201.60	212.00
20.5	178.40	187.20	196.80	206.40	216.80
21	183.20	192.00	201.60	212.00	222.40
21.5	187.20	196.80	206.40	216.80	228.00
22	192.00	201.60	212.00	222.40	233.60
22.5	196.80	206.40	216.80	228.00	239.20
23	201.60	212.00	222.40	233.60	245.60
23.5	206.40	216.80	228.00	239.20	251.20
24	212.00	222.40	233.60	245.60	257.60
24.5	216.80	228.00	239.20	251.20	264.00
25	222.40	233.60	245.60	257.60	270.40
25.5	228.00	239.20	251.20	265.00	276.80
26	233.60	245.60	257.60	270.40	284.00
26.5	239.20	251.20	264.00	276.80	291.20
27	245.60	257.60	270.40	284.00	298.40
27.5	251.20	264.00	276.80	291.20	305.60
28	257.60	270.40	284.00	298.40	313.60
28.5	264.00	276.80	291.20	305.60	321.60
29	270.40	284.00	298.40	313.60	329.60
29.5	276.80	291.20	305.60	321.60	337.60
30	284.00	298.40	313.60	329.60	346.40
30.5	291.20	305.60	321.60	337.60	355.20
31	298.40	313.60	329.60	346.40	364.00
31.5	305.60	321.60	337.60	355.20	372.80
32	313.60	329.60	346.40	364.00	382.40
32.5	321.60	337.60	355.20	372.80	392.00
33	329.60	346.40	364.00	382.40	401.60
33.5	337.60	355.20	372.80	392.00	411.20
34	346.40	364.00	382.40	401.60	421.60

Salary range number	Steps A	B	C	D	E
34.5	355.20	372.80	392.00	411.20	432.00
35	364.00	382.40	401.60	421 60	442 40
35.5	372.80	392.00	411.20	432.00	453.60
36	382.40	401.60	421.60	442.40	464.80

SEC. 44. 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 21
(b) Deputy clerk II ---------- Range 23
(c) Deputy clerk III ---------- Range 25
(d) Deputy clerk IV ---------- Range 28
(e) Clerk ---------- Range 33
(f) Clerk-typist II ---------- Range 21
(g) Deputy marshal ---------- Range 29.5

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. 45. 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 9 days after the final adjournment of the 1971 Regular Session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office 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 clerk-typist II 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 shall be adjusted an equal number of ranges on the salary schedule.

SEC. 45.1. Section 73490 of the Government Code is repealed.

SEC. 45.2. 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 38 of the salary schedule provided in Section 73563.1.

SEC. 45.3. Section 73563 of the Government Code is amended to read:

73563. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 31 of the salary schedule provided in Section 73563.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 29 of the salary schedule provided in Section 73563.1.

Ten deputy clerks grade I who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 73563.1.

SEC. 46. The heading of Article 9 (commencing with Section 73640) of Chapter 10 of Title 8 of the Government Code is amended to read:

Article 9. El Cajon Judicial District

SEC. 47. Section 73642 of the Government Code is amended to read:

73642. 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 42.5 of the salary schedule provided in Section 74343 1. In no event shall the salary of the clerk be less than ten (10) schedule ranges higher than that specified for the position of chief deputy clerk.

SEC. 48. Section 73643 of the Government Code is amended to read:

73643. The clerk may appoint with the approval of the judges:

(a) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule No. 37.5.

(b) Five deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule No. 34.

(c) Fifteen deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 29.

(d) Five deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 26.

(e) Five deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 22. Appointments to this position shall be at step B of the schedule.

(f) One deputy clerk stenographer who shall receive a monthly salary at a rate specified in Schedule No. 28.5.

The deputy clerk stenographer who was employed in this court on July 15, 1968, shall be paid at a rate two (2) ranges higher for a period of 21 months from the effective date of this act, provided that she continues to be employed as a deputy clerk stenographer for the period.

(g) Four deputy clerks who shall be keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule No. 24.5. The deputy clerk assigned as supervising keypunch operator shall receive a monthly salary at a rate two (2) schedules higher than that which such deputy clerk keypunch operator was 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, and the provisions of subdivisions (a), (b), (c), (d), and (e) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 49. Section 73648 of the Government Code is amended to read:

73648. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt

rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 50. 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 five hundred fifty dollars ($550). 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. 51. Section 73674 of the Government Code is amended to read:

73674. The clerk may appoint: (a) one chief deputy clerk; (b) four senior deputy clerks; (c) seven 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.

SEC. 52. Section 73676 of the Government Code is amended to read:

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
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
29½	660	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
32½	763	801	841	883	927
33	782	821	862	905	950
33½	801	841	883	927	974
34	821	862	905	950	998
34½	841	883	927	974	1,023
35	862	905	950	998	1,048
35½	883	927	974	1,023	1,074
36	905	950	998	1,048	1,100
36½	927	974	1,023	1,074	1,127
37	950	998	1,048	1,100	1,155
37½	974	1,023	1,074	1,127	1,184

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
38	998	1,048	1,100	1,155	1,213
38½	1,023	1,074	1,127	1,184	1,243
39	1,048	1,100	1,155	1,213	1,274
39½	1,074	1,127	1,184	1,243	1,306
40	1,100	1,155	1,213	1,274	1,338
40½	1,127	1,184	1,243	1,306	1,371
41	1,155	1,213	1,274	1,338	1,405
41½	1,184	1,243	1,306	1,371	1,440
42	1,213	1,274	1,338	1,405	1,475
42½	1,243	1,306	1,371	1,440	1,512
43	1,274	1,338	1,405	1,475	1,549
43½	1,306	1,371	1,440	1,512	1,587
44	1,338	1,405	1,475	1,549	1,626
44½	1,371	1,440	1,512	1,587	1,666
45	1,405	1,475	1,549	1,626	1,707

SEC. 53. Section 73677 of the Government Code is amended to read:

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 20
(b) Deputy clerk II ..... Range 21
(c) Senior deputy clerk ..... Range 23
(d) Chief deputy clerk ..... Range 26
(e) Clerk ..... Range 35

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 pro-

vided, then the judge with the concurrence of the board of supervisors may establish a salary at a rate not to exceed one thousand one hundred dollars ($1,100) monthly.

SEC. 54. 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 79 of the salary schedule set forth in Section 73684.

SEC. 55. 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) Three chief deputy clerks at salary range 63.

(b) Seven court clerks at salary range 59.

(c) One deputy clerk II at salary range 59.

(d) One calendar clerk at salary range 59

(e) One principal account clerk at salary range 55.

(f) One senior account clerk at salary range 50.

(g) Six deputy clerks I at salary range 47.

(h) Two intermediate stenographer-clerks at salary range 45.

(i) Twenty-two intermediate typist-clerks at salary range 41.

(j) Two junior stenographer-clerks at salary range 38.

(k) Twenty-two junior typist-clerks at salary range 35.

(*l*) The clerk may appoint any combination of stenographer-clerks (h) and (j) not to exceed a total of two and may appoint any combination of typist-clerks (i) and (k) not to exceed a total of 22.

SEC. 56. 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. This section shall remain in effect until the 60th day after the final adjournment of the 1970 Regular Session of the California Legislature.

SEC. 56.1. 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 seventeen thousand five hundred twenty dollars ($17,520) payable in equal monthly installments.

SEC. 57. 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 an annual salary of thirteen thousand seven hundred forty dollars ($13,740) payable in equal monthly installments of one thousand one hundred forty-five dollars ($1,145) per month.

(b) Nine deputy clerks grade V, each of whom shall receive a minimum salary of seven hundred seventeen dollars ($717) monthly with increments of thirty-six dollars ($36) and thirty-seven dollars ($37) to a maximum of seven hundred ninety dollars ($790) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of six hundred thirty-three dollars ($633) monthly with increments of thirty-three dollars ($33), and thirty-four dollars ($34) to a maximum of seven hundred dollars ($700) monthly.

(d) Twelve deputy clerks grade III, each of whom shall receive a minimum salary of five hundred seventy-six dollars ($576) monthly with increments of twenty-eight dollars ($28), and twenty-nine dollars ($29) to a maximum of six hundred thirty-three dollars ($633) monthly.

(e) Eight deputy clerks grade II, each of whom shall receive a minimum salary of five hundred twenty-three dollars ($523) monthly with increments of twenty-six dollars ($26), and twenty-seven dollars ($27) to a maximum of five hundred seventy-six dollars ($576) monthly.

(f) Six deputy clerks grade I, each of whom shall receive a minimum salary of four hundred ninety-eight dollars ($498) monthly with increments of twenty-five dollars ($25), and twenty-six dollars ($26) to a maximum of five hundred forty-nine dollars ($549) monthly.

(g) Three intermediate typist-clerks, each of whom shall receive a minimum salary of four hundred sixty-three dollars ($463) monthly with increments of twenty-three dollars ($23), and twenty-four dollars ($24) to a maximum of five hundred ten dollars ($510) 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. 57.05. Section 73781 of the Government Code is amended to read:

73781. (a) Full-time official reporters appointed by the majority of the judges of the municipal court pursuant to the provisions of Section 72194 and so designated, shall be attachés of the court and shall receive the following monthly salaries: for the first year of service commencing upon the effective date of the amendments made to this section during the 1969 Regular Session of the Legislature, one thousand one hundred ninety-five dollars ($1,195); for the first year thereafter, one thousand two hundred fifty-five dollars ($1,255); for the next year thereafter, one thousand three hundred eighteen dollars ($1,318); for the next year, one thousand three hundred eighty-five dollars ($1,385); and thereafter, one thousand four hundred fifty-four dollars ($1,454).

New appointees shall be compensated at the first step and advance to each higher step upon completion of each year of service. However, if the board of supervisors approves, new reporters may be employed at the second or third step.

(b) In addition to the compensation provided in this article, each full-time reporter of the municipal court shall be entitled to, and shall receive, the same vacations, sick leave, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group, accident, health or life insurance plan adopted by the board of supervisors of the county.

(c) The judges of the court may appoint as many part-time 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, for reporting, fees at a per diem rate as fixed by Sections 69948 and 69949 or as fixed by any special act governing the compensation of official superior court reporters in the County of Marin, whichever is the greater. In criminal cases such fees upon order of the court shall be a charge against the general fund of the county.

SEC. 57.1. Section 73822 of the Government Code is repealed.

SEC. 57.2. Section 73822 is added to the Government Code, to read:

73822. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive a salary computed upon a monthly rate in accordance with the range and step for his position specified in this article, as determined by the following schedule:

Range No.	1	2	3	4	5
22	$325	$341	$358	$376	$395
22.5	333	350	367	385	405
23	341	358	376	395	415
23.5	350	367	385	405	425
24	358	376	395	415	436

Range No.	1	2	3	4	5
24.5	367	385	405	425	447
25	376	395	415	436	458
25.5	385	405	425	447	469
26	395	415	436	458	481
26.5	405	425	447	469	493
27	415	436	458	481	505
27.5	425	447	469	493	518
28	436	458	481	505	530
28.5	447	469	493	518	543
29	458	481	505	530	556
29.5	469	493	518	543	570
30	481	505	530	556	584
30.5	493	518	543	570	599
31	505	530	556	584	613
31.5	518	543	570	599	628
32	530	556	584	613	644
32.5	543	570	599	628	660
33	556	584	613	644	676
33.5	570	599	628	660	693
34	584	613	644	676	710
34.5	599	628	660	693	728
35	613	644	676	710	745
35.5	628	660	693	728	764
36	644	676	710	745	782
36.5	660	693	728	764	802
37	676	710	745	782	821
37.5	693	728	764	802	842
38	710	745	782	821	862
38.5	728	764	802	842	884
39	745	782	821	862	905
39.5	764	802	842	884	928
40	782	821	862	905	950
40.5	802	842	884	928	974
41	821	862	905	950	998
41.5	842	884	928	974	1,023

(b) Except as otherwise provided in this article, each new officer or employee shall for the first six full calendar months of continuous service receive a salary at the monthly rate specified for step 1 of the applicable range; on the first day of the next calendar month thereafter, his salary may increase to the rate of step 2; after one, two and three additional years of continuous service, his salary may increase to the rates for steps 3, 4 and 5 respectively. Such increases shall be granted only with the approval of the officer's or employee's appointing authority.

(c) Notwithstanding any other provisions of law, until 60 days after the adjournment of the next regular session of the Legislature, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased

in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Stanislaus County classified service, as the comparability is determined by the board. When the salaries of incumbent officers and employees are increased to provide compensation that is comparable to that of county employees holding comparable positions, such officers and employees may, with the approval of their appointing authority, retain the same salary step in the salary range made applicable to their position as they occupied under the superseded salary range. For the purpose of determining eligibility for subsequent annual increments, however, the officer's and employee's anniversary date for step advancement shall not change.

(d) When any officer or employee in the service of the court is appointed or promoted to another office or position in such service which is compensated at a higher salary range he shall receive step 1 of such salary range if step 1 is at least 5 percent higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the salary range pertaining to such office or position which will provide not less than a 5-percent increase in his compensation. For the purpose of determining eligibility for subsequent annual increments, the officer's or employee's anniversary date for step advancement will be changed to the first day of the next calendar month following the date of promotion unless the promotion is effective on the first regular working day of the month.

(e) When any officer or employee in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary range 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 authority may specify any step rate of such salary range which provides compensation not higher than that last previously received by such person. For the purpose of determining eligibility for subsequent annual increments, the officer's or employee's anniversary date for step advancement will be changed to the first day of the next calendar month following the date of demotion unless the demotion is effective on the first regular working day of the month.

SEC. 57.3. Section 73823 of the Government Code is repealed.

SEC. 57.4. Section 73823 in added to the Government Code, to read:

73823. There shall be one clerk appointed by a majority of the judges of the court. The clerk shall be on range 39 and he may appoint, with the approval of a majority of the judges of the court:

(a) One assistant clerk on range 35.
(b) Three municipal court clerks on range 32.5.
(c) One legal clerk on range 30.
(d) Two account clerks III on range 29.
(e) One clerk III on range 28.
(f) Seven clerks II on range 25.

SEC. 57.5. Section 73824 of the Government Code is repealed.

SEC. 57.6. Section 73824 is added to the Government Code, to read:

73824. There shall be one marshal who shall be on range 35 and the marshal may appoint:
(a) Two deputy marshals on range 33.
(b) One clerk II on range 25.
(c) Two deputy marshals who shall be custodians at the fee allowed by law for keeping property.

SEC. 57.7. Section 73825 of the Government Code is repealed.

SEC. 57.8. Section 73911 of the Government Code is amended to read:

73911. There shall be two judges.

SEC. 57.9. Section 73912 of the Government Code is amended to read:

73912. There shall be one clerk of the municipal court, one assistant clerk of the municipal court, two municipal court clerks, two senior typist-clerks, one intermediate account-clerk, and two typist-clerks, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 57.10. 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	69	$839	$881	$925	$971	$1,019
Assistant clerk of the municipal court	56	610	641	673	707	742
Municipal court clerk	50	527	553	581	610	641
Intermediate account clerk	40	412	433	455	478	502
Intermediate clerk	38	392	412	433	455	478
Typist-clerk	34	355	373	392	412	433
Marshal	72	902	947	994	1,044	1,096
Chief deputy marshal	64	742	779	818	859	902
Deputy marshal	56	610	641	673	707	742
Senior typist-clerk	44	455	478	502	527	553

All figures in columns A, B, C, D, and E represent dollars per calendar month.

Chief deputy marshals and deputy marshals shall receive such initial and annual uniform allowances as may be provided by resolution or ordinances to those employees of the sheriff's department of Santa Barbara County who are classified as deputy sheriffs.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, and salary on position reclassification shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara, and any employee who on the effective date of the amendments to this section enacted at the 1969 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 or range is otherwise changed as prescribed by law.

(c) On and after the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature, the following regulations will govern the administration of the classification and compensation shedule 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, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this act shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the merit system of Santa Barbara County, but such employees and attachés may be placed under that merit system by court rule adopted by the judges of this municipal court.

(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. 57.11. 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 1, 1969, any different compensation is established for any of the hereinafter 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, assistant clerk of the municipal court, 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 account 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 account 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 61st day after the final adjournment of the 1971 Regular Session of the Legislature.

SEC. 58. Section 73952 of the Government Code is amended to read:

73952. There shall be one clerk, who shall be appointed by the majority of judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 44 of Section 74343.1. In no event shall the salary of the clerk be less than thirteen (13) schedule ranges higher than that specified for the position of chief deputy.

SEC. 59. Section 73953 of the Government Code is amended to read:

73953. The clerk may appoint:

(a) One chief deputy who shall receive a monthly salary at a rate specified in Schedule No. 37.5.

(b) Five deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 34.

(c) Thirteen deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 29.

(d) Ten deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 26.

(e) Eight deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 22. Appointments to such positions shall be at step B of the schedule.

(f) Two keypunch operators, each of whom shall receive the monthly salary specified in Schedule No. 24.5.

(g) One court interpreter who shall receive a monthly salary at a rate specified in Schedule No. 28.

(h) One deputy clerk who shall be a stenographer and who shall receive a monthly salary at a rate specified in Schedule No. 28.5.

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. The provisions of subdivisions (a), (b), (c), (d) and (e) of that section apply to the attachés appointed pursuant to this section. 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 this section be less than his salary on such day.

SEC. 60. Section 73958 of the Government Code is amended to read:

73958. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, in any group health, accident or life insurance plan, and in the tuition refund and suggestion awards programs adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 61. Section 73959 of the Government Code is amended to read:

73959. Official reporters in such municipal courts, appointed pursuant to Section 72194, shall be attachés of the court to perform the duties set forth in Section 274c of the Code of Civil Procedure, 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 seven hundred dollars ($700). 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 reporter 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 judges 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. 62. Section 74002 of the Government Code is amended to read:

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, Central Orange County, and West Orange County Municipal Courts	59
For the Orange County Harbor Municipal Court	57
For the South Orange County Municipal Court	55

SEC 63. Section 74003 of the Government Code is amended to read:

74003. There shall be one marshal for each court who shall receive a biweekly salary as provided by the following:

For the North Orange County Municipal Court-- $636.80
For the Central Orange County Municipal Court $636.80
For the West Orange County Municipal Court-- $636.80
For the Orange County Harbor Municipal Court $570.40
For the South Orange County Municipal Court-- $540.00

SEC. 64. Section 74004 of the Government Code is amended to read:

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				
		NOC	COC	WOC	OCH	SOC
Appointed by the clerk and administrative officer:						
Chief deputy clerk II, municipal court	51	1	1	1	0	0
Chief deputy clerk I, municipal court	49	0	0	0	1	1
Division head II, municipal court	45	3	3	3	0	0
Division head I, municipal court	43	1	1	1	3	0
Municipal court clerk	41	7	7	6	3	2
Deputy clerk V, municipal court	37	2	2	1	1	2
Deputy clerk IV, municipal court	33	1	1	1	1	0
Deputy clerk III, municipal court	31	6	6	4	2	0
Deputy clerk II, municipal court	27	3	4	3	2	2
Deputy clerk I, municipal court	25	32	29	25	11	5
Legal stenographer I	31	1	1	1	2	0
Secretary II	35	1	1	1	0	0
Systems and procedures analyst II	54	0	1	0	0	0
Appointed by the marshal:						
Lieutenant, marshal's office	54	1	1	1	0	0
Sergeant, marshal's office	50	4	2	2	2	1
Deputy marshal II	42	12	11	9	7	3
Deputy marshal I	40	9	9	8	4	2

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
		NOC	COC	WOC	OCH	SOC
Deputy marshal matron	34	0	0	1	0	0
Chief clerk II, marshal's office	39	1	1	1	0	0
Chief clerk I, marshal's office	37	0	0	0	1	1
Clerk III, marshal's office	31	2	1	1	1	0
Clerk II, marshal's office	27	4	4	3	2	1
Clerk I, marshal's office	25	5	4	3	1	0

(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.

SEC. 64.1. Section 74132 of the Government Code is amended to read:

74132. (a) Each clerk and marshal and each of their respective assistants, deputies and other employees shall receive a salary computed upon a biweekly rate in accordance with the range, or half-range, and step for his position specified in or pursuant to this article, as determined by the following salary schedule:

Range No.	Step 1	Step 2	Step 3	Step 4	Step 5
32	147.20	155.20	164.00	172.80	182.40
32.5	151.20	159.20	168.00	177.60	187.20
33	155.20	164.00	172.80	182.40	192.00
33.5	159.20	168.00	177.60	187.20	196.80
34	164.00	172.80	182.40	192.00	202.40
34.5	168.00	177.60	187.20	196.80	208.00
35	172.80	182.40	192.00	202.40	213.60
35.5	177.60	187.20	196.80	208.00	219.20
36	182.40	192.00	202.40	213.60	225.60
36.5	187.20	196.80	208.00	219.20	231.20
37	192.00	202.40	213.60	225.60	237.60
37.5	196.80	208.00	219.20	231.20	244.00
38	202.40	213.60	225.60	237.60	251.20
38.5	208.00	219.20	231.20	244.00	257.60
39	213.60	225.60	237.60	251.20	264.80
39.5	219.20	231.20	244.00	257.60	272.00
40	225.60	237.60	251.20	264.80	280.00
40.5	231.20	244.00	257.60	272.00	287.20
41	237.60	251.20	264.80	280.00	295.20
41.5	244.00	257.60	272.00	287.20	303.20
42	251.20	264.80	280.00	295.20	312.00
42.5	257.60	272.00	287.20	303.20	320.80
43	264.80	280.00	295.20	312.00	329.60
43.5	272.00	287.20	303.20	320.80	338.40
44	280.00	295.20	312.00	329.60	348.00
44.5	287.20	303.20	320.80	338.40	357.60
45	295.20	312.00	329.60	348.00	367.20
45.5	303.20	320.80	338.40	357.60	377.60
46	312.00	329.60	348.00	367.20	388.00
46.5	320.80	338.40	357.60	377.60	398.40
47	329.60	348.00	367.20	388.00	409.60
47.5	338.40	357.60	377.60	398.40	420.80
48	348.00	367.20	388.00	409.60	432.80
48.5	357.60	377.60	398.40	420.80	444.80
49	367.20	388.00	409.60	432.80	456.80
49.5	377.60	398.40	420.80	444.80	469.60
50	388.00	409.60	432.80	456.80	482.40
50.5	398.40	420.80	444.80	469.60	496.00
51	409.60	432.80	456.80	482.40	509.60
51.5	420.80	444.80	469.60	496.00	524.00
52	432.80	456.80	482.40	509.60	538.40
52.5	444.80	469.60	496.00	524.00	553.60
53	456.80	482 40	509.60	538.40	568.80
53.5	469.60	496.00	524.00	553.60	584.80
54	482.40	509.60	538.40	568.80	600.80
54.5	496.00	524.00	553.60	584.80	617.60
55	509.60	538.40	568.80	600.80	635.20
55.5	524.00	553.60	584.80	617.60	652.80
56	538.40	568.80	600.80	635.20	671.20

(b) Except as otherwise provided in this article, each new officer or employee shall for the first 13 full biweekly periods of continuous service receive a salary at the rate specified for step 1 of the applicable range; on the first day of the next biweekly period thereafter, his salary shall increase to the rate for step 2; after 26, 52 and 78 additional biweekly periods of continuous service, his salary shall increase to the rates for steps 3, 4 and 5, respectively.

(c) Notwithstanding any other provisions of law, until 60 days after the adjournment of the next regular session of the Legislature, the salary of any officer or employee may, upon approval by the board of supervisors, be increased or decreased within the limits of the applicable range and two ranges above or below said limits, in order to provide compensation that is comparable to that of county employees of similar qualifications and experience, holding equal or comparable positions in the Riverside County classified service, as the comparability is determined by the board. Subject to the foregoing limitations as to time, the board of supervisors may allow such additional appointive positions in the classes of positions specified in this article as in said board's judgment are necessary to perform the work of the offices of each clerk and marshal.

(d) Such officers and employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, 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 ordinances of Riverside County for other employees of the county, and they shall be subject to such employment qualifications as may be fixed by or pursuant to said ordinance for their positions, in the same manner as for other positions in the employment of said county.

SEC. 64.2. 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 53 and the clerk may appoint:

(a) 1 assistant clerk on range 48.
(b) 3 municipal court clerks II on range 46.
(c) 1 accounting technician II on range 44.5.
(d) 5 municipal court clerks I on range 44.
(e) 3 senior clerks on range 40.
(f) 1 account clerk II on range 38.
(g) 1 stenographer clerk II on range 38.
(h) 12 clerks II on range 37.

SEC. 64.3. Section 74135 of the Government Code is amended to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 53 and the marshal may appoint:

(a) 1 assistant marshal on range 48.
(b) 4 deputy marshals II on range 47.

(c) 3 deputy marshals I on range 44.5.
(d) 1 marshal's clerk on range 40.
(e) 2 clerks II on range 37.

SEC. 64.4. 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 53 and the clerk may appoint:
(a) 1 assistant clerk on range 48.
(b) 6 municipal court clerks I on range 44.
(c) 1 senior account clerk on range 41.
(d) 2 senior clerks on range 40.
(e) 1 account clerk II on range 38.
(f) 9 clerks II on range 37.

SEC. 64.5. Section 74137 of the Government Code is amended to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 53 and the marshal may appoint:
(a) 1 assistant marshal on range 48.
(b) 4 deputy marshals II on range 47.
(c) 2 deputy marshals I on range 44.5.
(d) 1 marshal's clerk on range 40.
(e) 3 clerks II on range 37.

SEC. 64.6. 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 51 and the clerk may appoint:
(a) 2 municipal court clerks I on range 44.
(b) 2 senior clerks on range 40.
(c) 1 account clerk II on range 38.
(d) 2 clerks II on range 37.

SEC. 64.7. Section 74139 of the Government Code is amended to read:

74139. In the Corona Judicial District, the salary of the marshal shall be on range 52 and the marshal may appoint:
(a) 2 deputy marshals II on range 47.
(b) 1 deputy marshal I on range 44.5.
(c) 1 marshal's clerk on range 40.
(d) 1 clerk II on range 37.

SEC. 65. 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 75 step C of Section 74196. The position of clerk and administrator shall not be deemed to be a civil service position.

SEC. 66. 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 58 of Section 74196.

(b) One chief deputy clerk, who shall receive a monthly salary at a rate specified in Schedule 58 of Section 74196.

(c) Two deputy clerks, who shall be chief clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 51 of Section 74196.

(d) One deputy clerk, who shall be a legal stenographer, who shall receive a monthly salary at a rate specified in Schedule 38 of Section 74196.

(e) Eleven deputy clerks, who shall be court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 49 of Section 74196.

(f) Three deputy clerks, who shall be deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 41 of Section 74196.

(g) Nine deputy clerks, who shall be deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 35 of Section 74196.

(h) Nine deputy clerks, who shall be typist-clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 28 of Section 74196.

(i) Seven deputy clerks, who shall be senior deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(j) Six deputy clerks, who shall be cashier-clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 31 of Section 74196.

(k) One deputy clerk, who shall be an accountant, who shall receive a monthly salary at a rate specified in Schedule 52 of Section 74196.

(*l*) One deputy clerk, who shall be an account clerk II, who shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(m) One deputy clerk, who shall be an account clerk I, who shall receive a monthly salary at a rate specified in Schedule 29 of Section 74196.

(n) One deputy clerk, who shall be a data processing technician III, who shall receive a monthly salary at a rate specified in Schedule 46 of Section 74196.

(o) One deputy clerk who shall be a data processing technician I, who shall receive a monthly salary at a rate specified in Schedule 34 of Section 74196.

(p) One deputy clerk, who shall be a keypunch supervisor, who shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(q) Five deputy clerks, who shall be keypunch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 30 of Section 74196.

SEC. 67. Section 74194 of the Government Code is amended to read:

74194. There shall be one marshal, Sacramento County, who shall be appointed by the judges of the court, and who

shall receive a monthly salary at a rate specified in Schedule 71 step C of Section 74196. The position of marshal shall not be deemed to be a civil service position.

SEC. 68. 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 61 of Section 74196.

(b) Nine deputy marshals who shall be marshal's sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 53 of Section 74196.

(c) Fifteen deputy marshals, who shall be bailiffs, each of whom shall receive a monthly salary at a rate specified in Schedule 49 of Section 74196.

(d) One deputy marshal, who shall be a chief clerk, who shall receive a monthly salary at a rate specified in Schedule 51 of Section 74196.

(e) Two deputy marshals, who shall be senior deputy clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(f) One deputy marshal, who shall be an account clerk II, who shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(g) Four deputy marshals, who shall be typist-clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 28 of Section 74196.

(h) Two deputy marshals, who shall be account clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 29 of Section 74196.

(i) One deputy marshal, who shall be a senior marshal's sergeant, who shall receive a monthly salary at a rate specified in Schedule 57 of Section 74196.

(j) Three deputy marshals, who shall be deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 35 of Section 74196.

(k) One deputy marshal, who shall be a deputy clerk III, who shall receive a monthly salary at a rate specified in Schedule 41 of Section 74196.

All deputy marshals listed in subdivisions (e) through (h) above, inclusive, are authorized a 5-percent salary differential in addition to the rates indicated for serving as matrons.

SEC. 69. 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 A	Step B	Step C	Step D	Step E
25	$385	$405	$425	$447	$469
26	395	415	436	458	481
27	405	425	447	469	493

Schedule number	Step A	Step B	Step C	Step D	Step E
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
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
75	1,306	1,371	1,440	1,512	1,588
76	1,338	1,405	1,475	1,550	1,626

Schedule number	Step A	Step B	Step C	Step D	Step E
77	1,371	1,440	1,512	1,588	1,666
78	1,405	1,475	1,550	1,626	1,707
79	1,440	1,512	1,588	1,666	1,750
80	1,475	1,550	1,626	1,707	1,792
81	1,512	1,588	1,666	1,750	1,837
82	1,550	1,626	1,707	1,792	1,882
83	1,588	1,666	1,750	1,837	1,929
84	1,626	1,707	1,792	1,882	1,977
85	1,666	1,750	1,837	1,929	2,025
86	1,707	1,792	1,882	1,977	2,075
87	1,750	1,837	1,929	2,025	2,127
88	1,792	1,882	1,977	2,075	2,180
89	1,837	1,929	2,025	2,127	2,233
90	1,882	1,977	2,075	2,180	2,289
91	1,929	2,025	2,127	2,233	2,345
92	1,977	2,075	2,180	2,289	2,403
93	2,025	2,127	2,233	2,345	2,462
94	2,075	2,180	2,289	2,403	2,523
95	2,127	2,233	2,345	2,462	2,585
96	2,180	2,289	2,403	2,523	2,649
97	2,233	2,345	2,462	2,585	2,714
98	2,289	2,403	2,523	2,649	2,781
99	2,345	2,462	2,585	2,714	2,850

(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.

SEC. 69.1. 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 38 of the salary schedule provided in Section 74223.1.

SEC. 69.2. Section 74223 of the Government Code is amended to read:

74223. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 31 of the salary schedule provided in Section 74223.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 29 of the salary schedule provided in Section 74223.1.

Ten deputy clerks grade I who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 74223.1.

SEC. 70. 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 51 of the salary schedule provided in Section 74343.1. In no event shall the compensation of the clerk be less than 22 schedule ranges higher than that specified for the position of chief clerk.

SEC. 71. 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 45. In no event shall the compensation of the assistant clerk be less than ten (10) schedule ranges higher than that specified for the position of chief clerk.

(b) 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 40.

(c) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 37.

(d) Thirty-eight deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 34.

(e) Thirty-six deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(f) Thirty-four deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(g) Fifty-two deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 22.

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 1969 amendment be less than step B of the salary schedule.

(h) Twelve deputy clerks who shall be keypunch operators and who shall receive a monthly salary at a rate specified in Schedule 24.5.

(i) 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 proceedings department, setting and motion 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.

SEC. 72. 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
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

Range and schedule number	A	B	C	D	E
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
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	1,801
50.5	1,518	1,594	1,674	1,758	1,846
51	1,555	1,633	1,715	1,801	1,891

Range and schedule number	A	B	C	D	E
51.5	1,594	1,674	1,758	1,846	1,938
52	1,633	1,715	1,801	1,891	1,986
52.5	1,674	1,758	1,846	1,938	2,035
53	1,715	1,801	1,891	1,986	2,085
53.5	1,758	1,846	1,938	2,035	2,137
54	1,801	1,891	1,986	2,085	2,189
54.5	1,846	1,938	2,035	2,137	2,243
55	1,891	1,986	2,085	2,189	2,298

(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 County of San Diego or in the service of another municipal court in San Diego County is appointed to a position in the service of the court compensated at a higher salary range than the salary range for the position relinquished or 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 receive initially that step schedule pertaining to such position which will provide a one-step increase in his compensation

(c) Officers and attachés may be voluntarily transferred from a position in the service of a court in one judicial district to a position in the service of a court in another judicial district within the County of San Diego, from a position in the service of the County of San Diego to a position in the service of a court or between the offices of clerk and marshal within the same judicial district in the same manner that classified employees of the County of San Diego may be trans-

ferred between departments of the county. In determining the step of the salary range at which such transferred employee shall be paid, the employee may be given credit for continuous prior service in the service of the court or the County of San Diego from which he was transferred.

(d) 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.

(e) 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 1969 prior to the effective date of any amendments to this article enacted by the Legislature at the 1969 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 1969 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until 61 days after the adjournment of the Legislature at the 1971 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
Keypunch operator	Keypunch operator
Court interpreter	Senior clerk
Deputy clerk stenographer	Senior stenographer

SEC. 73. 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 28 of the salary schedule provided in Section 74343.1.

SEC. 74. 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 1969 Regular Session of the Legislature be less than his salary on such day.

SEC. 75. Section 74350 of the Government Code is amended to read:

74350. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County, and in the tuition refund and suggestion awards programs adopted by the board. Such privileges and benefits shall be retroactively applied. The majority of all the municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to

fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

SEC. 75.1. Section 74352 of the Government Code is repealed.

SEC. 75.2. Section 74352 is added to the Government Code, to read:

74352. In any civil action or proceedings filed in the San Diego, El Cajon or North County Judicial Districts, where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys fees and costs exceeds three hundred dollars ($300), in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of this title, 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 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 (commencing with Section 72050) of Chapter 8 of this title.

SEC. 76. Section 74357 of the Government Code is amended 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. Of the judicial secretaries, one shall be appointed by the presiding judge as the chief judicial secretary, such appointment to be entered upon the minutes of the court, who, while serving in that capacity, shall receive a monthly salary at a rate two schedules higher than that which such judicial secretary would receive 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.

Each judicial secretary shall receive a monthly salary at the rate specified in Schedule 30.5, 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 1971 Regular Session of the Legislature.

SEC. 77. Section 74361 of the Government Code is amended to read:

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 51, set forth in Section 74343.1. In no event shall the compensation of the marshal be less than 12 schedule ranges higher than that specified for the position of assistant marshal.

SEC. 78. Section 74364 of the Government Code is amended to read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 45, set forth in Section 74343.1.

(b) One captain, who shall receive the monthly compensation specified in Schedule 43 set forth in Section 74343.1.

(c) Three lieutenants, each of whom shall receive the monthly compensation specified in Schedule 40, set forth in Section 74343.1.

(d) Twelve sergeants, each of whom shall receive the monthly compensation specified in Schedule 37, set forth in Section 74343.1.

(e) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 34, set forth in Section 74343.1. Upon the occurrence of a vacancy, this position shall be replaced by adding one sergeant.

(f) Ninety deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 34, set forth in Section 74343.1.

(g) Eleven deputy marshal-stenographers, each of whom shall receive the monthly compensation specified in Schedule 28.5, set forth in Section 74343.1. The next two vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as intermediate typist. The positions of intermediate typist shall each receive the compensation specified in subdivision (i) of this section. The following six vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as senior typist. The positions of senior typist shall each receive the compensation specified in subdivision (j) of this section.

(h) Three deputy marshal-matrons, who shall receive the monthly compensation specified in Schedule 32, set forth in Section 74343.1.

(i) Nine intermediate typists, who shall receive the monthly compensation specified in Schedule 24, set forth in Section 74343.1; provided that any intermediate typist while qualified and performing services as an interpreter shall be paid at a monthly rate which shall be eight salary ranges higher than that specified for the position of intermediate typist as set forth in Section 74343.1. All persons holding the position of clerk on the 91st day after the 1969 Regular Session of the Legislature shall succeed to the position of intermediate typist.

(j) Senior typists who shall be appointed on the occurrence of a vacancy in the position of deputy marshal-stenographer and who shall receive the monthly compensation specified in Schedule 28, set forth in Section 74343.1.

(k) Two deputy marshal-cadets, each of whom shall receive the monthly compensation specified in Schedule 23.5, set forth in Section 74343.1.

(*l*) Every person specified in subdivision (g), (i) or (j) who works a night shift shall be paid at the monthly rate specified in the schedule set forth in Section 74343.1 two ranges higher than the rate provided by the applicable subdivision. "Night shift" means an assigned work schedule of which not less than one-half of the total number of hours, plus one-half hour, are worked after 5 p.m. and before 8 a.m.

SEC. 79. Section 74369 of the Government Code is amended to read:

74369. All persons holding positions on the 91st day after the 1969 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first

day of the month following completion of such required service.

SEC. 80. Section 74374 of the Government Code is amended to read:

74374. The hereinafter enumerated classes of positions in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Such adjustment shall not be more than eight ranges higher or eight ranges lower than the range 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 the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors on any date in 1969 prior to the effective date of the 1969 amendment of this section, said adjustment shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of said 1969 amendment. Any salary adjustments made as a result of this section shall be effective only until 61 days after the adjournment of the 1971 General Session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal classification	County classification
Assistant marshal	Chief deputy sheriff
Captain	Deputy sheriff-captain
Lieutenant	Deputy sheriff-lieutenant
Sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal—female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff-matron
Deputy marshal-stenographer	Senior stenographer
Senior typist	Senior typist
Intermediate typist	Intermediate typist
Cadet	Deputy sheriff-cadet

SEC. 81. Section 74376 of the Government Code is amended to read:

74376. In the event that the number of judges provided by Sections 73641, 73951, and 74341 of this code is increased, or that additional municipal court judicial districts are provided in the County of San Diego, thereby causing an increase in the number of judges, the marshal of the municipal courts may appoint one deputy marshal, who shall receive compensation at the rate specified by subdivision (f) of Section 74364 and Section 74374, for each additional judge appointed or elected.

SEC. 81.1. 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 nine hundred seventy dollars ($1,970) 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 81.2. Section 74503 of the Government Code is amended to read:

74503. (a) There shall be one chief deputy, who shall also serve as jury commissioner and 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 four hundred ninety-nine dollars ($1,449) 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 chief deputy, who shall also serve as 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) There shall be one assistant to the jury commissioner who shall perform such duties as assigned by the judges of the court and who shall be paid a minimum salary of one thousand two hundred sixty-six dollars ($1,266) monthly during the first year of service, a salary of one thousand three hundred twenty-seven dollars ($1,327) 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 three hundred eighty-nine dollars ($1,389) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment 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 assistant to the jury commissioner, and who shall hold office at their pleasure, and who shall perform such duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(c) Notwithstanding the provisions of Section 74507, the clerk shall appoint one deputy clerk who shall be head accountant, accounting division, and who shall possess the qualifications and perform the duties of class number 1656, as set forth in City and County of San Francisco class specifications on April 1, 1968, and who shall be paid a salary of one thou-

sand two hundred dollars ($1,200) monthly during the first year of service, a salary of one thousand two hundred sixty dollars ($1,260) monthly during the second year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of one thousand three hundred twenty-three dollars ($1,323) monthly during the third year of service, commencing on the first day of the month following the second anniversary of his appointment, a salary of one thousand three hundred ninety dollars ($1,390) monthly during the fourth year of service, commencing on the first day of the month following the third anniversary of his appointment, and a maximum of one thousand four hundred sixty dollars ($1,460) monthly, commencing on the first day of the month following the fourth anniversary of his appointment.

(d) The clerk shall appoint three deputy clerks who shall be the chief division clerks in the civil, criminal, and traffic departments of the court, and who shall be paid a minimum salary of one thousand two hundred sixty-six dollars ($1,266) monthly during the first year of service, a salary of one thousand three hundred twenty-seven dollars ($1,327) 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 three hundred eighty-nine dollars ($1,389) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 813 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 one thousand ninety-seven dollars ($1,097) monthly during the first year of service, a salary of one thousand one hundred fifty-one dollars ($1,151) 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 twelve dollars ($1,212) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-seven deputy clerks who shall be paid a minimum salary of nine hundred twenty-two dollars ($922) monthly during the first year of service, a salary of nine hundred eighty-three dollars ($983) 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 sixty-four dollars ($1,064) 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 ninety-four dollars ($794) monthly during the first year of service, a salary of eight hundred twenty-three dollars ($823) 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 eight hundred fifty-five dollars ($855) 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 seven hundred thirty-seven dollars ($737) monthly during the first year of service, a salary of seven hundred fifty-seven dollars ($757) 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 eighty dollars ($780) 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 one hundred dollars ($100) monthly.

(e) Five deputy clerks who shall be paid a minimum salary of six hundred ninety-six dollars ($696) monthly during the first year of service, a salary of seven hundred seventeen dollars ($717) 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 thirty-five dollars ($735) 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 budget-purchasing deputy to the head accountant, accounting division, any deputy in this subdivision shall be paid in addition to the salary provided by this article, the additional sum of fifty dollars ($50) monthly.

(f) Twenty-seven deputy clerks who shall be paid a minimum salary of six hundred thirty-eight dollars ($638) monthly during the first year of service, a salary of six hundred sixty dollars ($660) 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 eighty-five dollars ($685) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Thirty-seven deputy clerks who shall be paid a minimum salary of five hundred dollars ($500) monthly during the first year of service, a salary of five hundred forty-six dollars ($546) 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 seven dollars ($607) monthly after the second year of service, com-

mencing on the first day of the month following the second anniversary of his appointment.

(h) Three information clerks who shall be paid a minimum salary of five hundred ten dollars ($510) monthly during the first year of service, a salary of five hundred eighty-six dollars ($586) 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 sixty-three dollars ($663) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. 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 an information clerk, who shall perform the duties of deputy clerk and such other duties as assigned by the clerk.

SEC. 81.4. Section 74642 of the Government Code is amended to read:

74642. There shall be one clerk of the municipal court, one assistant clerk of the municipal court, seven municipal court clerks, one senior account clerk, two senior clerks, six intermediate clerks, eight typist-clerks and one clerk, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 81.5. 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	71	$881	$925	$971	$1,019	$1,070
Assistant clerk of the municipal court	56	610	641	674	707	742
Municipal court clerk	50	527	553	581	610	641
Senior account clerk	46	478	502	527	553	581
Senior clerk	44	455	478	502	527	553
Senior typist-clerk	44	455	478	502	527	553
Intermediate typist-clerk	38	392	412	433	455	478
Intermediate clerk	38	392	412	433	455	478
Typist-clerk	34	355	373	392	412	433
Clerk	32	338	355	373	392	412
Marshal	74	947	994	1,044	1,096	1,151
Chief deputy marshal	64	742	779	818	859	902
Senior deputy marshal	60	673	707	742	779	818
Deputy marshal	56	610	641	673	707	742

All figures in columns A, B, C, D, and E represent dollars per calendar month.

Chief deputy marshals and deputy marshals shall receive such initial and annual uniform allowances as may be provided by resolution or ordinance to those employees of the sheriff's department of Santa Barbara County who are classified as deputy sheriffs.

(b) The administration of the salary plan provided by this article including the hiring rate, increases within range, salary on promotion, and salary on position reclassification, shall be in accordance with the current personnel rules and salary ordinance of the County of Santa Barbara, and any employee who on the effective date of the amendments to this section enacted at the 1969 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 or range is otherwise changed as prescribed by law.

(c) On and after the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature, the following regulations will govern the administration of the classification and compensation schedule 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, as is now or may be provided by ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

Nothing in this act shall be construed to place the marshal's or clerk's office, their employees and other municipal court attachés under the merit system of Santa Barbara County but such employees and attachés may be placed under that merit system by court rule adopted by the judges of this municipal court.

(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 81.6. 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 1, 1969, any different compensation is established for any of the hereinafter 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, assistant clerk of the municipal court, 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, senior typist-clerk, intermediate typist-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, senior typist-clerk, intermediate typist-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 1971 Regular Session of the Legislature.

SEC 82. 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) One deputy court clerk grade IV who shall receive a biweekly salary at the rate specified in range 34 of the salary schedule provided in Section 74693.1.

(c) Four 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.

(d) Eleven 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.

The additional deputy court clerk positions authorized by this section shall be grade II positions.

SEC. 83. 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. 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 next regular session of the Legislature which commences after the adjustment.

Employees of the municipal court shall be entitled to all employee benefits that are provided for or made applicable to employees within the classified service pursuant to the Santa Cruz County Code, to the extent that the benefits are not contrary to state law.

SEC. 84. Section 74702 of the Government Code is amended to read:

74702. There shall be one clerk who shall receive a minimum salary of eight hundred one dollars ($801) monthly with annual increments of forty dollars ($40), forty-two dollars ($42), forty-four dollars ($44), and forty-seven dollars ($47), to a maximum of nine hundred seventy-four dollars ($974).

SEC. 85. 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 fifty-six dollars ($556) monthly with annual increments of twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum of six hundred seventy-six dollars ($676).

(b) Four deputy clerks, grade III, 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).

(c) Five deputy clerks, grade II, each of whom 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).

(d) Five deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly, with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21) and twenty-two dollars ($22), to a maximum of four hundred fifty-eight dollars ($458).

SEC. 86. Section 74722 of the Government Code is amended to read:

74722. There shall be one clerk who shall receive a minimum salary of eight hundred one dollars ($801) monthly with annual increments of forty dollars ($40), forty-two dollars ($42), forty-four dollars ($44), and forty-seven dollars ($47), to a maximum of nine hundred seventy-four dollars ($974).

SEC 87. Section 74723 of the Government Code is amended to read:

74723. The clerk may appoint:

(a) Two assistant clerks, each of whom shall receive a minimum salary of five hundred fifty-six dollars ($556) monthly with annual increments of twenty-eight dollars ($28), twenty-nine dollars ($29), thirty-one dollars ($31), and thirty-two dollars ($32), to a maximum salary of six hundred seventy-six dollars ($676).

(b) Two deputy clerks, grade II, each of whom 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).

(c) Three deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly, with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22), to a maximum of four hundred fifty-eight dollars ($458).

SEC. 88. Section 74802 of the Government Code is amended to read:

74802. There shall be one clerk who shall be the administrative officer and who shall receive the salary specified in Section 74807.

SEC. 89. 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) Six deputy clerks IV.

(c) Four deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Four deputy clerks II.

(f) Thirteen deputy clerks I.

SEC. 89.1. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive one thousand dollars ($1,000) a month.

SEC. 90. Section 74805 of the Government Code is amended to read:

74805. The marshal may appoint:

(a) One assistant marshal.

(b) Five deputy marshals.

(c) One clerk IV.

(d) One clerk-typist II.

(e) Twenty deputies who shall be custodians at the fee allowed by law for the keeping of property.

SEC. 91. Section 74806 of the Government Code is amended to read:

74806. The following biweekly salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

Salary Schedule

Salary range number	Steps A	B	C	D	E
18	$158.40	$166.40	$174.40	$183.20	$192.00
18.5	162.40	170.40	178.40	187.20	196.80
19	166.40	174.40	183.20	192.00	201.60
19.5	170.40	178.40	187.20	196.80	206.40
20	174.40	183.20	192.00	201.60	212.00
20.5	178.40	187.20	196.80	206.40	216.80
21	183.20	192.00	201.60	212.00	222.40
21.5	187.20	196.80	206.40	216.80	228.00
22	192.00	201.60	212.00	222.40	233.60
22.5	196.80	206.40	216.80	228.00	239.20
23	201.60	212.00	222.40	233.60	245.60
23.5	206.40	216.80	228.00	239.20	251.20
24	212.00	222.40	223.60	245.60	257.60
24 5	216.80	228.00	239.20	251.20	264.00
25	222.40	233.60	245.60	257.60	270.40
25.5	228.00	239.20	251.20	264.00	276.80
26	233.60	245.60	257.60	270.40	284.00
26.5	239.20	251.20	264.00	276.80	291.20
27	245.60	257.60	270.40	284.00	298.40

Salary range number	Steps A	B	C	D	E
27.5	251.20	264.00	276.80	291.20	305.60
28	257.60	270.40	284.00	298.40	313.60
28.5	264.00	276.80	291.20	305.60	321.60
29	270.40	284.00	298.40	313.60	329.60
29.5	276.80	291.20	305.60	321.60	337.60
30	284.00	298.40	313.60	329.60	346.40
30.5	291.20	305.60	321.60	337.60	355.20
31	298.40	313.60	329.60	346.40	364.00
31.5	305.60	321.60	337.60	355.20	372.80
32	313.60	329.60	346.40	364.00	382.40
32.5	321.60	337.60	355.20	372.80	392.00
33	329.60	346.40	364.00	382.40	401.60
33.5	337.60	355.20	372.80	392.00	411.20
34	346.40	364.00	382.40	401.60	421.60
34.5	355.20	372.80	392.00	411.20	432.00
35	364.00	382.40	401.60	421.60	442.40
35.5	372.80	392.00	411.20	432.00	453.60
36	382.40	401.60	421.60	442.40	464.80
36.5	392.00	411.20	432.00	453.60	476.00
37	401.60	421.60	442.40	464.80	488.00
37.5	411.20	432.00	453.60	476.00	500.00
38	421.60	442.40	464.80	488.00	512.80
38.5	432.00	453.60	476.00	500.00	525.60
39	442.40	464.80	488.00	512.80	538.40
39.5	453.60	476.00	500.00	525.60	552.00
40	464.80	488.00	512.80	538.40	565.60
40.5	476.00	500.00	525.60	552.00	579.20
41	488.00	512.80	538.40	565.60	593.60
41.5	500 00	525.60	552.00	579.20	608.00
42	512.80	538.40	565.60	593.60	623.20
42.5	525.60	552.00	579.20	608.00	638.40
43	538 40	565.60	593.60	623.20	654.40

SEC. 92. 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 biweekly salary schedule contained in Section 74806:

(a) Deputy clerk I ..... Range 21
(b) Deputy clerk II ..... Range 23
(c) Deputy clerk III ..... Range 25
(d) Deputy clerk III (stenographer) ..... Range 25.5
(e) Deputy clerk IV ..... Range 28
(f) Chief deputy clerk ..... Range 33
(g) Clerk ..... Range 40
(h) Clerk-typist II ..... Range 21

(i) Clerk IV ----------Range 25
(j) Deputy marshal ----------Range 29.5
(k) Assistant marshal ----------Range 33.5

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 the 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. 93. 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 final adjournment of the 1971 Regular Session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office 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 clerk-typist 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 schedule.

(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) The class of clerk IV is equivalent in job and salary level to the class of clerk IV in the service of San Joaquin County. Whenever the class of clerk IV is adjusted, the class of clerk IV in the office of marshal shall be adjusted an equal number of ranges on the salary schedule.

(e) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal and assistant marshal shall be adjusted an equal number of ranges on the salary schedule.

SEC. 93.1. Article 32.1 (commencing with Section 74815) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 32.1. Southern San Joaquin County

74815. There is hereby created in San Joaquin County a municipal court district embracing the territory included in the justice court district which includes the Cities of Manteca, Escalon, and Ripon.

74816. There shall be one judge.

74817. There shall be one clerk, who shall be the administrative officer and act as secretary to the judge and who shall receive a salary in accordance with Section 74822.

74818. The clerk may appoint:

(a) One deputy clerk III who shall be assistant administrative officer and chief deputy.

(b) Four deputy clerks II.

(c) Two deputy clerks I.

74819. There shall be one marshal who shall receive a salary of nine hundred dollars ($900) a month.

74820. The marshal may appoint:

(a) One deputy marshal.

(b) One clerk-typist II.

74821. The following biweekly 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
20	$174.40	$183.20	$192.00	$201.60	$212.00
20.5	178.40	187.20	196.80	206.40	216.80
21	183.20	192.00	201.60	212.00	222.40
21.5	187.20	196.80	206.40	216 80	228.00
22	192.00	201.60	212.00	222.40	233.60
22.5	196.80	206.40	216 80	228.00	239.20
23	201.60	212.00	222.40	233.60	245.60
23.5	206.40	216.80	228.00	239.20	251.20
24	212.00	222.40	233.60	245.60	257.60
24.5	216.80	228.00	239.20	251.20	264.00
25	222.40	233.60	245.60	257.60	270.40

Salary range number	Steps A	B	C	D	E
25.5	228.00	239.20	251.20	264.00	276.80
26	233 60	245.60	257.60	270.40	284.00
26 5	239.20	251.20	264.00	276.80	291.20
27	245.60	257.60	270.40	284.00	298.40
27.5	251.20	264.00	276.80	291.20	305.60
28	257.60	270.40	284.00	298 40	313.60
28 5	264.00	276.80	291.20	305.60	321.60
29	270.40	284.00	298.40	313.60	329.60
29.5	276.80	291 20	305 60	321.60	337.60
30	284.00	298.40	313.60	329.60	346.40
30.5	291.20	305.60	321 60	337.60	355.20
31	298.40	313.60	329.60	346.40	364.00
31.5	305.60	321.60	337.60	355.20	372 80
32	313.60	329.60	346.40	364.00	382.40

74822. 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 74821:

(a) Deputy clerk I ---------- Range 21
(b) Deputy clerk II ---------- Range 23
(c) Deputy clerk III ---------- Range 25
(d) Clerk ---------- Range 30
(e) Clerk-typist II ---------- Range 21
(f) Deputy marshal ---------- Range 29.5

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.

74823. 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 final adjournment of the 1971 Regular Session of the Legislature.

(a) The classes of deputy clerk I in the clerk's office and clerk-typist II in the marshal's office 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 clerk-typist II shall be adjusted an equal number of ranges on the salary schedule.

(b) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal shall be adjusted an equal number of ranges on the salary schedule.

74824. This article shall become operative when it is determined in the manner prescribed by Section 71043 that the population of the Manteca-Ripon-Escalon Judicial District exceeds 40,000 and shall thereafter be known as the Municipal Court District of Southern San Joaquin County

SEC. 94. Section 74844 of the Government Code is amended to read:

74844. There shall be one marshal who shall receive nine hundred ninety-eight dollars ($998) 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 concurrence of the board of supervisors, may establish one thousand twenty-three dollars ($1,023), one thousand forty-eight dollars ($1,048), one thousand seventy-four dollars ($1,074), one thousand one hundred dollars ($1,100), one thousand one hundred twenty-seven dollars ($1,127), one thousand one hundred fifty-five dollars ($1,155), one thousand one hundred eighty-four dollars ($1,184), to one thousand two hundred thirteen dollars ($1,213) as the monthly salary.

SEC. 95. 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 II or deputy marshals I, as shall be determined by the judges with the concurrence of the board of supervisors, 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 96 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
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
29½	660	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
32½	763	801	841	883	927
33	782	821	862	905	950
33½	801	841	883	927	974
34	821	862	905	950	998
34½	841	883	927	974	1,023
35	862	905	950	998	1,048
35½	883	927	974	1,023	1,074
36	905	950	998	1,048	1,100
36½	927	974	1,023	1,074	1,127
37	950	998	1,048	1,100	1,155
37½	974	1,023	1,074	1,127	1,184
38	998	1,048	1,100	1,155	1,213
38½	1,023	1,074	1,127	1,184	1,243
39	1,048	1,100	1,155	1,213	1,274
39½	1,074	1,127	1,184	1,243	1,306
40	1,100	1,155	1,213	1,274	1,338
40½	1,127	1,184	1,243	1,306	1,371
41	1,155	1,213	1,274	1,338	1,405
41½	1,184	1,243	1,306	1,371	1,440

Salary range number	Step 1	Step 2	Step 3	Step 4	Step 5
42	1,213	1,274	1,338	1,405	1,475
42½	1,243	1,306	1,371	1,440	1,512
43	1,274	1,338	1,405	1,475	1,549
43½	1,306	1,371	1,440	1,512	1,587
44	1,338	1,405	1,475	1,549	1,626
44½	1,371	1,440	1,512	1,587	1,666
45	1,405	1,475	1,549	1,626	1,707

SEC. 97. 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 20
(b) Deputy clerk II	Range 21
(c) Senior deputy clerk	Range 23
(d) Chief deputy clerk	Range 26
(e) Clerk	Range 35½
(f) Clerk II	Range 19
(g) Deputy marshal—female	Range 23½
(h) Deputy marshal I	Range 29
(i) Deputy marshal II	Range 30
(j) Chief deputy marshal—office supervisors	Range 30½

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 one thousand one hundred twenty-seven dollars ($1,127) monthly.

SEC 97.1. Section 74904 of the Government Code is amended to read:

74904. Any judge of the Ventura County Municipal Court sitting in any department of the court or at any session situated or held at a place other than the place designated for holding regular sessions of the department of the court to which he is regularly assigned shall receive from the county the amount of the actual and necessary traveling expenses incurred by him Traveling expenses shall not be computed upon a greater distance than that between the place regularly assigned and the place temporarily sitting Each judge shall be regularly assigned to a particular department by the presiding judge for the purposes of this section. Unless and until otherwise determined by a majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, municipal court sessions shall be held in the Cities of Ventura, Oxnard, Port Hueneme, Camarillo, Fillmore, Santa Paula, and Ojai, and the Simi Court Facility. A majority of the judges of the Ventura County Municipal Court, with the approval of the board of supervisors, shall designate any additional places within the district where municipal court sessions shall be held and shall designate the principal office of each municipal court department

SEC. 97.2. 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 38.5, set forth in Section 74909. In no event shall the classification of court executive officer be compensated less than four scheduled ranges (approximately 10 percent) higher than that specified for the classification of marshal of the Ventura County Municipal Court.

SEC. 97.3 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 36.5, set forth in Section 74909. In no event shall the compensation of the marshal be less than 10 schedule ranges (approximately 25 percent) higher than that specified for the position of assistant marshal.

SEC. 97.4. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint:

(a) One administrative officer I, who shall receive monthly compensation specified in range 30.5, set forth in Section 74909.

(b) One chief deputy clerk II, who shall receive monthly compensation specified in rage 21 5, set forth in Section 74909.

(c) Three chief deputy clerks I, who shall receive monthly compensation specified in range 27.5, set forth in Section 74909.

(d) Eight deputy clerks V, who shall receive monthly compensation specified in range 23.0, set forth in Section 74909.

(e) One senior secretary, who shall receive monthly compensation specified in range 20.0, set forth in Section 74909.

(f) One principal account clerk I, who shall receive monthly compensation specified in range 21.5, set forth in Section 74909.

(g) Eleven deputy clerks IV, who shall receive monthly compensation specified in range 21 5, set forth in Section 74909.

(h) One municipal court process clerk, who shall receive monthly compensation specified in range 19.0, set forth in Section 74909.

(i) Three deputy municipal court clerk interpreters, who shall receive monthly compensation specified in range 18.0, set forth in Section 74909.

(j) Thirteen deputy clerks III, who shall receive monthly compensation specified in range 17.0, set forth in Section 74909.

(k) Thirteen deputy clerks II, who shall receive monthly compensation specified in range 14.0, set forth in Section 74909.

(*l*) Two senior deputy clerk-keypunch operators, who shall receive monthly compensation specified in range 15.0, set forth in Section 74909.

(m) Three deputy clerk-keypunch operators, who shall receive monthly compensation specified in range 14.0, set forth in Section 74909.

SEC. 97.5. 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 31 5, set forth in Section 74909.

(b) Two lieutenants, each of whom shall receive the monthly compensation specified in range 29.0, set forth in Section 74909.

(c) Five sergeants, each of whom shall receive the monthly compensation specified in range 27 0, set forth in Section 74909.

(d) Twenty deputy marshals, each of whom shall receive the monthly compensation specified in range 24.5, set forth in Section 74909.

(e) One senior secretary, who shall receive the monthly compensation specified in range 20.0, set forth in Section 74909.

(f) Six senior marshal's process clerks, each of whom shall receive the monthly compensation specified in range 19.0, set forth in Section 74909.

(g) Five marshal's process clerks, each of whom shall receive the monthly compensation specified in range 17.0, set forth in Section 74909. Marshal's process clerk trainees at a flat monthly rate of three hundred eighty-four dollars ($384) may be appointed in lieu of marshal's process clerks until such trainees have satisfactorily completed a six-month training period.

(h) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

The occupants of positions listed in subsections e, f, and g of this section shall, when required, be assigned to additional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 97.6. 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 final 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 1969 will be forfeited on the effective date of this section.

(b) The class of deputy municipal court clerk II is equivalent to intermediate typist-clerk in the Ventura County service. The classes of deputy municipal court clerk III, and marshal's process clerk are equivalent to senior typist-clerk in the Ventura County service. The classes of senior marshal's process clerk and municipal court process clerk are equivalent to legal process clerk in the Ventura County service. The class of deputy clerk-keypunch operator is equivalent to keypunch operator in the Ventura County service. The class of senior deputy clerk-keypunch operator is equivalent to senior keypunch operator in the Ventura County service. The class of senior secretary is equivalent to senior secretary in the Ventura County service. The class of principal account clerk I is 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 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 sheriff's lieutenant. The class of assistant marshal is equivalent to

sheriff's captain The class of administrative officer I is equivalent to administrative officer I in the Ventura County service.

(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, chief deputy clerk, and chief deputy clerk II shall be adjusted an equivalent number of ranges or steps on the salary schedule.

SEC. 97.7. Section 74922 of the Government Code is amended to read:

74922. There shall be one clerk who shall receive the salary specified in range No. 31.

SEC. 97.8. Section 74923 of the Government Code is amended to read:

74923. The clerk may appoint one assistant clerk who shall receive the salary specified in range No. 27, two senior clerks who shall receive the salary specified in range No. 21, and five intermediate clerk-typists who shall receive the salary specified in range No. 19.

SEC. 97.9. Section 74924 of the Government Code is amended to read:

74924. There shall be one marshal who shall receive the salary specified in range No. 31.

SEC. 97.10. Section 74925 of the Government Code is amended to read:

74925. The marshal may appoint one deputy marshal who shall receive the salary specified in range No. 26.5, and one intermediate clerk-typist who shall receive the salary specified in range No. 19 and who shall serve as clerk to the marshal.

SEC. 98. Article 37 (commencing with Section 74934) is added to Chapter 10, Title 8 of the Government Code, to read:

Article 37. Chico

74934. This article applies to the municipal court established in the Chico Judicial District of Butte County.

74935 There shall be one judge.

74936. There shall be one clerk who shall receive the salary specified in range No. 18.

74937. The clerk may appoint two steno-clerks II who shall be deputy clerks and shall receive the salary specified in range 12, and three clerks II, who shall also be deputy clerks and shall receive the salary specified in range 8. Additional deputy clerks may be appointed as are required, with the consent of the Board of Supervisors of the County of Butte, and shall receive the salary specified in range 8.

74938. There shall be one marshal who shall receive the salary specified in range 28.

74939. The marshal may appoint one deputy marshal who shall receive the salary specified in range No. 22 and one steno-clerk II who shall receive the salary specified in range 12, and who shall serve as clerk to the marshal. With the consent of

the Board of Supervisors of Butte County, the marshal may appoint additional deputies as is required, which additional deputies shall receive the salary specified in range 22.

74940 Whenever reference is made to a range in any section of this article, the following schedule of monthly salaries shall apply:

No.	1	2	3	4	5
8	$372	$393	$414	$438	$463
9	383	404	426	451	475
10	393	414	438	463	487
11	404	426	451	475	501
12	414	438	463	487	514
13	426	451	475	501	529
14	438	463	487	514	543
15	451	475	501	529	559
16	463	487	514	543	574
17	475	501	529	559	591
18	487	514	543	574	608
19	501	529	559	591	625
20	514	543	574	608	642
21	529	559	591	625	660
22	543	574	608	642	677
23	559	591	625	660	697
24	574	608	642	677	716
25	591	625	660	697	736
26	608	642	677	716	756
27	625	660	697	736	778
28	642	677	716	756	799
29	660	697	736	778	821
30	677	716	756	799	842

74941. Subject to the provisions of Section 72001, the compensation of officers and attachés shall be governed as follows:

(a) The initial hiring rate for each position shall normally be at step 1. If it is difficult to secure qualified personnel at such rate, or if a person of unusual qualifications is hired, the appointing authority, with the approval of the Board of Supervisors of the County of Butte, may employ such person at one of the higher salary steps provided for the position.

(b) A step advancement from step 1 to step 2 of a position shall be granted on the first day of the month following the completion of six full months of service in the position. A person shall advance to steps 3, 4 and 5 upon completion of successive 12-month periods of service in the same position.

(c) The salaries of municipal court officers and attachés may, upon recommendation by the appointing authority and approval of the board of supervisors, be increased or decreased within the limits set forth in Section 74926 in order to provide compensation which is comparable to compensation

received by county employees of similar qualifications and experience and holding equal or comparable positions, as said comparability is determined by the board of supervisors.

(d) Certain classifications in the Chico Municipal Court are deemed to be equivalent or related in responsibility and salary level to certain classifications in the service of Butte County and whenever the salary of a classification in the service of Butte County is adjusted by the board of supervisors, the salary of equivalent classifications and related classifications in the Chico Municipal Court shall be adjusted an equal number of ranges on the currently effective salary schedule established by county ordinance. 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 county service, but such adjustments shall be effective no longer than 90 days after the final adjournment of the next regular session of the Legislature.

All class relationships shall be based on salary schedule range assignments effective May 1, 1968.

The equivalent or related classifications are as follows:

Municipal court classification	County classification
Clerk, municipal court	Principal clerk
Steno-clerk II	Steno-clerk II
Clerk II	Clerk II
Marshal	Marshal
Deputy marshal	Deputy marshal

(e) The marshal and his deputies have previously been on a flat salary in the now superseded justice court, and they shall commence their duties as marshal and deputy marshal in step 1 of their respective ranges.

74942. The officers and attachés of the municipal court shall be entitled to the same vacation, sick leave and similar benefits and privileges as are granted to other employees of the County of Butte by the salary ordinance of said county.

74943. All fees collected by the marshal or his deputies shall be deposited with the county treasurer.

74944. All officers and attachés of the court shall devote their full time to the performance of their duties.

74945. All matters affecting the employment of such officers and attachés which are not specifically determined by this article or other provision of state law shall be governed and regulated by the then current salary ordinance of the County of Butte.

CHAPTER 1303

An act to amend Section 6553 of the Government Code, relating to contents of bond indentures, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 6553 of the Government Code is amended to read:

6553. The indenture authorizing the issuance of such bonds shall recite the objects and purposes for which the bonds are to be issued, which may include any or all of the purposes stated in this article and which shall comprise the project, the principal amount of the bonds, the maximum rate of interest to be payable thereon which shall not exceed 7 percent per annum, payable semiannually, except that interest for the first year may be made payable at the end of said year, the date or dates of issue of said bonds, the maturity date or dates thereof, and the fund or funds from which said bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable, and such other provisions authorized by this article as the governing body of the entity deems necessary or desirable. Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this article shall be conclusive evidence of compliance with the provisions of this article and of the validity of such bond. Said bonds may be issued and sold to the United States of America, or the State of California, or to any appropriate department or agency thereof, to provide a source for the payment of principal and interest on any loan made by the United States of America, or the State of California, or agency thereof, to any agency created by an agreement entered into 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:

An increase in the permissible interest rates on joint powers authority revenue bonds from 6 percent to 7 percent is necessary in order to permit such bonds to be sold under present bond market conditions. Funds from such revenue bonds are needed to ensure the construction of various facilities urgently needed for public use, especially law enforcement facilities, medical facilities and recreational developments. As proceeds from such revenue bonds must be in hand before construction can begin, and since such construction must commence at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 1304

An act to amend Section 5681 of the Business and Professions Code, relating to landscape architects.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 5681 of the Business and Professions Code is amended to read:

5681. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee for examination shall be fixed by the board in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed fifty dollars ($50).

(b) The fee for an original certificate is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, if the certificate is issued less than one year before the date on which it will expire, then the fee is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The fee for a temporary certificate is twenty-five dollars ($25).

(d) The fee for a duplicate certificate is five dollars ($5).

(e) The renewal fee shall be fixed by the board in such amount as it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, but not to exceed seventy-five dollars ($75).

(f) The penalty for failure to notify the board of a change of address is five dollars ($5).

(g) The delinquency fee is ten dollars ($10).

CHAPTER 1305

An act to add Division 4.5 (commencing with Section 29500) to Title 4 of the Corporations Code, relating to commodity advisers.

[Approved by Governor August 30, 1969 Filed with Secretary of State August 31, 1969]

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

SECTION 1. Division 4.5 (commencing with Section 29500) is added to Title 4 of the Corporations Code, to read:

DIVISION 4.5. COMMODITY ADVISERS

CHAPTER 1. DEFINITIONS

29500. This division shall be known and may be cited as the Commodity Advisers Law.

The definitions set forth in this chapter govern the construction of this division.

29501. "Commissioner" means the Commissioner of Corporations.

29502. "Commodity" means anything movable that is bought and sold upon the basis of the public market quotations of prices made on any board of trade or exchange upon which commodities are dealt in, or on the basis of futures contracts.

29503. "Commodity adviser" means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of investing in, purchasing or selling commodities, or who, for compensation and as a part of a regular business, publishes, analyzes or reports concerning commodities. "Commodity adviser" does not include: (a) a bank, trust company or savings and loan association; (b) an attorney at law, accountant, engineer or teacher whose performance of these services is solely incidental to the practice of his profession; (c) a person licensed as a broker-dealer under the Corporate Securities Law of 1968, Division 1 (commencing with Section 25000) of this title, whose performance of these services is solely incidental to the conduct of his business as a broker-dealer and who receives no special compensation for them; or (d) a publisher of any bona fide newspaper, news magazine or business or financial publication of general, regular and paid circulation and the agents and servants thereof, but this subdivision (d) does not exclude any such person who engages in any other activity which would constitute him a commodity adviser within the meaning of this section.

CHAPTER 2. LICENSING OF COMMODITY ADVISERS

29510. It is unlawful for any commodity adviser to conduct his business as a commodity adviser in this state unless he has first applied for and secured from the commissioner a certificate, then in effect, authorizing him to do so or unless he is exempted by the provisions of Sections 29511 through 29514.

29511. An investment adviser licensed under Chapter 3 (commencing with Section 25230) of Part 3 of Division 1 of Title 4 of this code, shall be exempted from the provisions of Section 29510, but shall be subject to all other provisions of this division.

29512. A person registered under the Investment Advisers Act of 1940 who has not previously had any certificate denied or revoked under such law or any predecessor statute, shall be exempted from the provisions of Section 29510 if he has no

place of business in this state and (a) his only clients in this state are investment or commodity advisers, broker-dealers, banks, savings and loan associations, trust companies, insurance companies, investment companies registered under the Investment Company Act of 1940, pension or profit-sharing trusts, or other institutional investors or governmental agencies or instrumentalities designated by rule of the commissioner, or (b) during any period of 12 consecutive months he does not direct business communications into this state in any manner to more than five clients other than those specified in clause (a) above, whether or not he or any of the persons to whom the communications are directed is then present in this state.

29513. A person whose only clients are investment companies registered under the Investment Company Act of 1940 or insurance companies or both shall be exempted from the provisions of Section 29510.

29514. The commissioner may by such rules as he deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for specified periods, exempt from the provisions of Section 29510 any class of persons specified in such rules.

29515. Any adviser, or any person who contemplates becoming a commodity adviser, may apply for a certificate to act as such by filing with the commissioner an application. Such application shall be accompanied by the consent to service of process specified in Section 29516 and the fee for filing an application specified in Section 29551, and shall contain such information, in such form and detail, as the commissioner may by rule prescribe.

29516. Every applicant for a certificate as a commodity adviser (other than a California corporation) shall file with the commissioner, in such form as he, by rule, prescribes, an irrevocable consent appointing the commissioner or his successor in office to be his attorney to receive service of any lawful process in any noncriminal suit, action or proceeding against him or his successor, executor, or administrator, which arises under this law or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. A person who has filed such consent in connection with a previous application under this division need not file another. Service may be made by leaving a copy of the process in the office of the commissioner, but it is not effective unless (a) the plaintiff, who may be the commissioner in a suit, action or proceeding instituted by him, forthwith sends notice of the service and a copy of the process by registered or certified mail to the defendant or respondent at his last address on file with the commissioner, and (b) the plaintiff's affidavit of compliance with this section is filed in the case on or before the return

day of the process, if any, or within such further time as the court allows.

29517. (a) No commodity adviser licensed under this division shall conduct any business as such commodity adviser in this state unless the commodity adviser and all natural persons associated with such commodity adviser meet such specified and appropriate standards with respect to training, experience and other qualifications as the commissioner finds necessary or desirable. The commissioner may establish such standards by rule, which may

(1) Appropriately classify commodity advisers and persons associated with commodity advisers;

(2) Specify that all or any portion of such standards shall be applicable to any such class; and

(3) Require persons in any such class to pass examinations prescribed in accordance with such rules.

(b) The commissioner may prescribe by rule reasonable fees and charges to defray the costs of carrying out this section, including, but not limited to, fees for any examination administered by him or under his direction.

CHAPTER 3. PROHIBITED ACTIVITIES

29525. (a) No commodity adviser shall in this state enter into, extend or renew any commodity advisory contract, or in any way perform any commodity advisory contract entered into, extended or renewed on or after the effective date of this division, if such contract:

(1) Provides for compensation to the commodity adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client, except as may be permitted by rule of the commissioner;

(2) Fails to provide, in substance, that no assignment of such contract shall be made by the commodity adviser without the consent of the other party to the contract; or

(3) Fails to provide, in substance, that the commodity adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

(b) As used in this section, "commodity advisory contract" means any contract or agreement whereby a person agrees to act as a commodity adviser or to manage a commodity, or trading account for a person other than an investment company. Paragraph (1) of subdivision (a) of this section does not prohibit a commodity advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date.

29526. It is unlawful for any commodity adviser, directly or indirectly, in this state:

(a) To employ any device, scheme, or artifice to defraud any client or prospective client.

(b) To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any client or prospective client.

(c) Acting as principal for his own account, knowingly to sell any commodity to or purchase any commodity from a client for whom he is acting as commodity adviser, or, acting as broker for a person other than such client, knowingly to effect any sale or purchase of any commodity for the account of such client, without disclosing to such client in writing before the completion of the transaction the capacity in which he is acting and obtaining the written consent of the client to such transaction.

(d) To engage in any act, practice, or course of business which is fraudulent, deceptive, or manipulative. The commissioner shall, for the purpose of this subdivision, by rule define and prescribe means reasonably designed to prevent such acts, practices, and courses of business as are fraudulent, deceptive or manipulative.

(e) To represent that he is a commodity counsel or to use the name "commodity counsel" as descriptive of his business unless his principal business consists of acting as commodity adviser and a substantial part of his business consists of rendering commodity advisory services on the basis of the individual needs of his clients.

29527. It is unlawful for any person holding a certificate as a commodity adviser under this division to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved or that his abilities or qualifications have in any respect been passed upon by the commissioner. Nothing in this section prohibits a statement (other than in a paid advertisement) that a person holds a certificate under this division, if such statement is true in fact and if the effect of such licensing is not misrepresented.

29528. It is unlawful for any person willfully to make any untrue statement of a material fact in any application or report filed with the commissioner under this division, or willfully to omit to state in any such application or report any material fact which is required to be stated therein.

CHAPTER 4. REGULATION OF COMMODITY ADVISERS

29535. Every commodity adviser shall make and keep such accounts, correspondence, memoranda, papers, books, and other records and shall file such financial and other reports as the commissioner by rule requires. All records so required shall be preserved for the time specified in the rule. All records referred to in this section are subject at any time and from time to time to such reasonable periodic, special, or other examinations by the commissioner, within or without this state,

as the commissioner deems necessary or appropriate in the public interest or for the protection of investors. For the purpose of avoiding unnecessary duplications of examinations, the commissioner, insofar as he deems it practicable in administering this section, may cooperate with the securities administrators of other states, any federal agency regulating or concerned with commodity trading, or any national commodity exchange.

29536. The commissioner may from time to time make, amend and rescind such rules, forms, and orders as are necessary to carry out the provisions of this division, including rules and forms governing applications and reports, and defining any terms, whether or not used in this division, insofar as the definitions are not inconsistent with the provisions of this division. For the purpose of rules and forms, the commissioner may classify commodities, persons, and matters within his jurisdiction, and may prescribe different requirements for different classes. The commissioner may in his discretion waive any requirement of any rule or form in situations where in his opinion such requirement is not necessary in the public interest or for the protection of investors.

29537. The commissioner shall prescribe such rules with respect to commodity advisers who have custody of their clients' commodity contracts or funds or who have any power of attorney from their clients to execute transactions as he finds to be necessary or appropriate in the public interest or for the protection of investors. Such rules may require a minimum capital for such investment advisers or prescribe a minimum ratio between net capital and aggregate indebtedness or both, and may require a surety bond in an amount not exceeding ten thousand dollars ($10,000), conditioned upon compliance by the commodity adviser with the provisions of this division and the rules and orders issued under this division. Such bond, unless previously canceled, shall apply to the entire period that the adviser's license is in effect. Any appropriate deposit of cash or securities shall be accepted in lieu of any such bond. Every bond shall provide that no suit may be maintained to enforce any liability thereon unless brought within two years after the contract of sale or other act upon which such suit is based, and shall also provide that the liability of the surety on such bond to all persons aggrieved shall, in no event, exceed in the aggregate the amount thereof. Every such bond shall also contain a provision authorizing the surety thereon to cancel it upon 30 days' written notice to the licensee and to the commissioner; provided, however, that such cancellation shall not affect any liability incurred or accrued prior to the effective date of such cancellation.

29538. The commissioner may, after appropriate notice and opportunity for hearing by order censure, deny a certificate to, or suspend for a period not exceeding 12 months or revoke the certificate of, a commodity adviser, if he finds that such

censure, denial, suspension, or revocation is in the public interest and that such commodity adviser, whether prior or subsequent to becoming such, or any partner, officer or director thereof or any person performing similar functions or any person directly or indirectly controlling such commodity adviser, whether prior or subsequent to becoming such, or any employee of such commodity adviser while so employed:

(a) Has willfully made or caused to be made in any application for a certificate or any report filed with the commissioner under this division, or in any proceeding before the commissioner, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has willfully omitted to state in any such application or report any material fact which is required to be stated therein; or

(b) Has (1) been convicted of or has plead nolo contendere to any felony or misdemeanor, or (2) has been held liable in a civil action by final judgment of a court based upon conduct showing moral turpitude, and the commissioner finds that any such felony, misdemeanor or civil action (i) involved the purchase or sale of any commodity or security, (ii) arose out of the conduct of the business of a broker-dealer, commodity adviser or investment adviser, (iii) involved embezzlement, fraudulent conversion, or misappropriation of property, funds or securities, or (iv) involved the violation of Section 1341, 1342 or 1343 of Title 18 of the United States Code, or (v) involved an act of fraud or dishonesty; or

(c) Is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as a commodity adviser, an investment adviser, an underwriter or broker-dealer or as an affiliated person or employee of an investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

(d) Is subject to any currently effective order of the Securities and Exchange Commission or the securities administrator of any other state revoking or suspending his registration as a commodity adviser, an investment adviser or as a broker or dealer or is subject to any currently effective order of any national securities association or national securities exchange (as defined in the Securities Exchange Act of 1934) suspending or expelling him from membership in such association or exchange; or

(e) Has willfully violated any provision of the Commodity Exchange Act, Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or Title 4 (commencing with Section 25000) of this code, or of any rule or regulation under any of such statutes; or

(f) Has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any statute or rule or regulation referred to in subdivision (e); or

(g) Has willfully violated any provision of this division or rule or regulation promulgated under this division.

29539. No order may be entered under Section 29538 except after notice to the person affected thereby of the intention of the commissioner to enter such order and of the reasons therefor and that upon receipt of a request the matter will be set down for hearing to commence within 15 days after such receipt unless the person affected consents to a later date. If no hearing is requested within 30 days after the mailing of such notice and none is ordered by the commissioner, the order may be entered without hearing to remain in effect until it is modified or vacated by the commissioner. In the case of an original application for a certificate, such a hearing must be set down to commence within 15 days after receipt of a written request by the applicant made 30 days or more after the filing of the application, even though no such notice by the commissioner has been given, unless the applicant consents to a later date. If a hearing is requested or ordered, it shall be held in accordance with the provisions of the Administrative Procedure Act (Chapter 5, commencing with Section 11500, Part 1, Division 3, Title 2 of the Government Code), and the commissioner shall have all of the powers granted under that act.

29540. Any person whose certificate as a commodity adviser has been suspended or revoked shall immediately surrender such certificate to the commissioner.

29541. (a) Surrender of a certificate as a commodity adviser becomes effective 30 days after receipt of an application to surrender such certificate or within such shorter period of time as the commissioner may determine, unless a revocation or suspension proceeding is pending when the application is filed or a proceeding to revoke or suspend or to impose conditions upon the withdrawal is instituted within 30 days after the application is filed. If such a proceeding is pending or instituted, withdrawal becomes effective at such times and upon such conditions as the commissioner by order determines.

(b) If the commissioner finds that any commodity adviser is no longer in existence, or has ceased to do business as a commodity adviser, or is subject to an adjudication of mental incompetence or to the control of a committee or conservator or guardian, or cannot be located after reasonable search, the commissioner may by order summarily revoke the certificate of such commodity adviser.

(c) The commissioner may summarily suspend or revoke the certificate of a commodity adviser if he (1) fails to pay any fee required by Section 29551 or imposed pursuant to Section 29552 within 10 days after notice by the commissioner that such fee is due and unpaid, or (2) fails to file any report

required under Section 29535 within 10 days after notice by the commissioner that such report is due, or (3) fails to maintain any bond required by Section 29537.

29542. Every final order, decision, license, or other official act of the commissioner is subject to judicial review in accordance with law.

CHAPTER 5. FEES

29550. The commissioner shall charge and collect the fees fixed or authorized by this chapter. All such fees shall be transmitted to the State Treasurer, and shall be credited to the General Fund.

29551. The fee for filing an application for a certificate to act as a commodity adviser under Section 29515 is one hundred dollars ($100) Thereafter, every commodity adviser who has secured from the commissioner a certificate shall, in order to keep such certificate in effect, pay for each calendar year following the calendar year in which such certificate was secured, an annual renewal fee of one hundred dollars ($100) on or before the 15th day of December of the year preceding the calendar year for which such fee is payable.

29552. A fee shall be charged and collected for any examination, audit, or investigation made pursuant to this division equal to the actual amount of the salary or other compensation paid to the persons making the examination, audit, or investigation plus the actual amount of expenses reasonably incurred in the performance of the work.

CHAPTER 6. POWERS OF THE COMMISSIONER

29560. Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this law or any rule or order hereunder, he may in his discretion bring an action in the name of the people of the State of California in the superior court to enjoin the acts or practices or to enforce compliance with this law or any rule or order hereunder. Upon a proper showing a permanent or preliminary injunction, restraining order, or writ of mandate shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The court may not require the commissioner to post a bond.

29561. (a) The commissioner in his discretion (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this law or any rule or order hereunder or to aid in the enforcement of this law or in the prescribing of rules and forms hereunder, and (2) may publish information concerning any violation of this law or any rule or order hereunder.

(b) In making any investigation authorized by subdivision (a) of this section, the commissioner may, for a reasonable

time not exceeding 30 days, take possession of the books, records, accounts and other papers pertaining to the business of any commodity adviser and place a keeper in exclusive charge of them in the place where they are usually kept. During such possession no person shall remove or attempt to remove any of the books, records, accounts, or other papers except pursuant to a court order or with the consent of the commissioner; but the directors, officers, partners, and employees of the commodity adviser may examine them, and employees shall be permitted to make entries therein reflecting current transactions.

(c) For the purpose of any investigation or proceeding under this law, the commissioner or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the commissioner deems relevant or material to the inquiry.

(d) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the superior court, upon application by the commissioner, may issue to the person an order requiring him to appear before the commissioner, or the officer designated by him, there to produce documentary evidence, if so ordered, or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt.

(e) No person is excused from attending and testifying or from producing any document or record before the commissioner, or in obedience to the subpoena of the commissioner or any officer designated by him, or in any proceeding instituted by the commissioner, on the ground that the testimony or evidence (documentary or otherwise) required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after validly claiming his privilege against self-incrimination, to testify or produce evidence (documentary or otherwise), except that the individual testifying is not exempt from prosecution and punishment for perjury or contempt committed in testifying.

29562. The commissioner may refer such evidence as is available concerning any violation of this law or of any rule or order hereunder to the district attorney of the county in which the violation occurred, who may, with or without such a reference, institute appropriate criminal proceedings under this law.

CHAPTER 7. CRIMES

29570. Any person who willfully violates any provision of this division, or who willfully violates any rule or order un-

der this division, shall upon conviction be fined not more than ten thousand dollars ($10,000) or imprisoned in the state prison for not more than 10 years or in a county jail for not more than one year, or be punished by both such fine and imprisonment; but no person may be imprisoned for the violation of any rule or order if he proves that he had no knowledge of the rule or order.

29571. Nothing in this division limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

SEC. 2. This act shall become operative on January 2, 1970.

CHAPTER 1306

An act to amend Section 1616 of, and to add Section 1608.7 to, the Revenue and Taxation Code, relating to property tax assessments.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1608.7 is added to the Revenue and Taxation Code, to read:

1608.7. (a) At the time of filing the application or at any time prior to 20 days before the hearing on the application, any applicant for a change of an assessment on the local roll may cause an exchange of information between himself and the assessor by submitting the following data to the assessor in writing:

(1) Information stating the basis of the applicant's opinion of value.

(2) When the application is to be supported with evidence of comparable sales, information identifying the properties with sufficient certainty such as by assessor parcel number, street address or legal description of the property, the approximate date of sale, the applicable zoning, the price paid, and the terms of the sale, if known.

(3) When the application is to be supported with evidence based on an income study, information relating to income, expenses and the capitalization method.

(4) When the application is to be supported with evidence of replacement cost, information relating to date of construction, type of construction, replacement cost of construction, obsolescence, allowance for extraordinary use of machinery and equipment, and depreciation allowances.

(b) If an applicant for a change of an assessment has submitted the data required by subdivision (a) within the specified time, at least 10 days prior to the hearing the assessor shall submit to the applicant in writing the following data:

(1) Information stating the basis of the assessor's opinion of value.

(2) When the value is to be supported with evidence of comparable sales, information identifying the properties with sufficient certainty such as by assessor parcel number, street address or legal description of the property, the approximate date of sale, the applicable zoning, the price paid, and the terms of the sale, if known.

(3) When the value is to be supported with evidence based on an income study, information relating to income, expenses and the capitalization method.

(4) When the value is to be supported with evidence of replacement cost, information relating to date of construction, type of construction, replacement cost of construction, obsolescence, allowance for extraordinary use of machinery and equipment, and depreciation allowances.

The person assigning a hearing date shall provide adequate notice to the parties of such date, so that the exchange of information permitted by this section can be made without requiring a continuance of the hearing.

Whenever information has been exchanged pursuant to this section the parties may not introduce evidence on matters not so exchanged unless the other party consents to such introduction. However, at the hearing, each party may introduce new material relating to the information received from the other party. If a party introduces new material at the hearing, the other party, upon his request, shall be granted a continuance for a reasonable period of time.

Nothing in this section shall be construed as an intent of the Legislature to change, alter or modify generally acceptable methods of using the sales approach, income approach, or replacement cost approach to determine full cash value.

SEC. 2. Section 1616 of the Revenue and Taxation Code is amended to read:

1616. (a) If a county board changes the value on a parcel of real property other than by acceptance of an uncontested stipulation, and, during the succeeding two assessment years, the party affected seeks to change the value set by the board or the assessor seeks to raise the value as lowered by the board or to lower the value as raised by the board, the value of the property shall be rebuttably presumed to be the value set by the board. The party seeking such a change in value shall give written notice of the proposed full cash value and assessed value to the other party and the matter shall automatically be placed before the board, unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board.

(b) If during such succeeding two assessment years, the board, other than by the acceptance of an uncontested stipulation, changes the value previously set by the board on that

parcel, the previously set value shall be deemed rebutted and the new value set by the board shall be rebuttably presumed to be the value of that parcel during the next succeeding two assessment years.

(c) A presumption created under this section shall cease to exist upon a subsequent addition of trade fixtures required to be reported under Section 452, a subsequent change in zoning of a parcel of real property, a change of assessed value due to an intercounty equalization order issued by the State Board of Equalization or a subsequent increase or decrease in the physical size of a building for which a building permit has been issued. If any of the conditions described in this subdivision occur, the matter shall not be automatically placed before the board.

(d) When any matter is placed before the board pursuant to this section, the clerk shall notify the party affected of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the party affected or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the board and the assessor shall present his evidence notwithstanding the failure of the party affected or his agent to appear or to request a continuance.

This section shall not apply to buildings under initial construction.

SEC. 3. Sections 1 and 2 of this act shall be applicable to assessments made on or after the lien date in 1970.

CHAPTER 1307

An act to amend Section 8701 of the Education Code, relating to courses of instruction.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 8701 of the Education Code is amended to read:

8701. Whenever any part of the instruction in "health," family life education, and sex education conflicts with the religious training and beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, shall be excused from the part of the training which conflicts with such religious training and beliefs.

As used in this section, "religious training and beliefs" includes personal moral convictions.

CHAPTER 1308

An act to add Sections 1046 and 13712.1 to the Education Code, relating to schools.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 1046 is added to the Education Code, to read:

1046. The governing board of any school district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new school facilities and school sites or major additions to existing school facilities and recreation and park facilities in the community. Any school district planning, designing, or constructing new school facilities and school sites or major additions to existing school facilities shall file, at least annually, a report with the Department of Education setting forth its plans to achieve (a) a greater use of any joint or contiguous recreation and park facilities by the schoolchildren and (b) possible use by the total community of such school facilities and school sites and recreation and park facilities.

SEC. 2. Section 13712.1 is added to the Education Code, to read:

13712.1. Nothing contained in Section 13712 shall be interpreted to exclude the employment of architectural and engineering firms employed on a temporary basis for a specific project by a governing board or the commission when so designated by the commission.

SEC. 3. Section 2 of this act shall remain in effect until the first day of the 1971 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1309

An act to amend Section 12025.5 of, and to repeal and add Chapter 6 (commencing with Section 12601), Division 5 of, the Business and Professions Code, relating to the labeling of containers.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 12025.5 of the Business and Professions Code is amended to read:

12025.5. Whenever any commodity or any container is ordered off sale under the provisions of Section 12211 or Sec-

tion 12607 of this division, the sealer shall cause the commodity or container affected by such off-sale order to be identified by a tag or other suitable device with the words "off sale." It shall be unlawful to remove or obliterate any such tag or device placed upon such commodity or container or in any way dispose of or commingle such commodity or container or prepare, pack, place, deliver for shipment, deliver for sale, sell, or cause to be loaded, shipped, or transported, any such commodity or container before it has been released by the sealer.

SEC. 2. Chapter 6 (commencing with Section 12601) of Division 5 of the Business and Professions Code is repealed.

SEC. 3. Chapter 6 (commencing with Section 12601) of Division 5 is added to the Business and Professions Code, to read:

CHAPTER 6. FAIR PACKAGING AND LABELING ACT

12601. This chapter is designed to protect purchasers of any commodity within its provisions against deception or misrepresentation. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons.

It is hereby declared to be the policy of the Legislature to assist in attaining these goals.

12602. (a) It shall be unlawful for any person engaged in the packaging or labeling of any commodity for distribution or sale, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution of any packaged or labeled commodity, to distribute or to cause to be distributed any such commodity if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of this chapter or regulations promulgated under the authority of this chapter.

(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail distributors of commodities except to the extent that such persons (1) are engaged in the packaging or labeling of such commodities, or (2) prescribe or specify by any means the manner in which such commodities are packaged or labeled.

12603. No person subject to the prohibition contained in Section 12602 shall distribute any packaged commodity unless in conformity with regulations which shall be established by the director which shall provide that:

(a) The commodity shall bear a label specifying the identity of the commodity and the name and place of business of the manufacturer, packer, or distributor;

(b) The net quantity of contents (in terms of weight, measure, or numerical count) shall be separately and accurately stated in a uniform location upon the principal display panel of that label.

12604. The separate label statement of net quantity of contents appearing on or affixed to any package shall be in conformity with regulations promulgated by the director which will require that the statement:

(a) On a package containing less than four pounds or one gallon and labeled in terms of weight or fluid measure, shall, unless subparagraph (b) applies and such statement is set forth in accordance with such subparagraph, be expressed both in ounces (with identification as to avoirdupois or fluid ounces) and, if applicable, in pounds for weight units, with any remainder in terms of ounces or common or decimal fractions of the pound; or in the case of liquid measure, in the largest whole unit (quarts, quarts and pints, or pints, as appropriate) with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart;

(b) On a random package, may be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, or pounds and ounces;

(c) On a package labeled in terms of linear measure, shall be expressed both in terms of inches and the largest whole unit (yards, yards and feet, or feet, as appropriate) with any remainder in terms of inches or common or decimal fractions of the foot or yard;

(d) On a package labeled in terms of measure of area, shall be expressed both in terms of square inches and the largest whole square unit (square yards, square yards and square feet, or square feet, as appropriate) with any remainder in terms of square inches or common or decimal fractions of the square foot or square yard;

(e) Shall appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matter on the package;

(f) Shall contain letters or numerals in a type size which shall be (1) established in relationship to the area of the principal display panel of the package, and (2) uniform for all packages of substantially the same size; and

(g) Shall be so placed that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

12605. No person subject to the prohibition contained in Section 12602 shall distribute or cause to be distributed in commerce any packaged commodity if any qualifying words or phrases appear in conjunction with the separate statement of the net quantity of contents required by Section 12603(b), but nothing in this chapter shall prohibit supplemental statements, at other places on the package, describing in nondeceptive terms the net quantity of contents: provided, that such supplemental statements of net quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the commodity contained in the package.

In no case shall any declaration of quantity be qualified by the addition of the words "minimum," or "when packed," or words of similar import; nor shall any unit of weight, measure or count be qualified by any term (such as jumbo, giant, full, or the like) that tends to exaggerate the amount of the commodity in the package.

12606. No container wherein commodities are packed shall have a false bottom, false sidewalls, false lid or covering, or be otherwise so constructed or filled, wholly or partially, as to facilitate the perpetration of deception or fraud. No container shall be nonfunctionally slack filled, that is, filled to substantially less than its capacity for reasons other than (a) protection of the contents of such package or (b) the requirements of machines used for enclosing the contents in such package.

Any sealer may seize any container which facilitates the perpetration of deception or fraud and the contents of such container. By order of the justice's, municipal or superior court of the township, city, or county within which a violation of this section occurs, the containers seized shall be condemned and destroyed or released upon such conditions as the court may impose to insure against their use in violation of this chapter. The contents of any condemned container shall be returned to the owner thereof if he furnishes proper facilities for such return.

12607. Whenever a consumer commodity is offered for sale, exposed for sale or sold without a statement of net quantity appearing thereon as required by this chapter, the sealer shall in writing order the commodity off sale and require that a correct statement of net quantity be placed on the commodity before the same may be released by the sealer.

12608. A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches, quart, pint and fluid ounce and shall express the volume at 68° Fahrenheit (20° centigrade). Statements of content for liquid petroleum products shall be expressed at 60° Fahrenheit; refrigerated commodities shall be expressed at 40° Fahrenheit; and frozen products shall be expressed at the temperature at which they are kept or offered for sale. A statement of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, peck, dry quart, and dry pint. A statement of linear measure shall be in the terms of the standard yard, foot, and inch. A statement of net quantity in terms of the metric system may be used in addition to the required statement of content. A statement of numerical count shall be expressed either in English words or Arabic numerals.

Fluid products may be tested by a weights and measures official on the basis of weight as prescribed by regulations of the director.

12609. The director shall establish necessary rules and regulations to carry out the design of this division, or for the testing of packages to verify the net quantity statements. Such regulations shall include exemptions from full compliance with this chapter for good and sufficient reasons. Any such exemptions affecting consumer commodities shall be in agreement with exemptions permitted by federal regulations. Any such rule or regulation, or amendment thereof, shall be adopted and promulgated by the director in conformity with the provisions of Chapter 4.5 (commencing with Section 11371 of Part 1 of Division 3 of Title 2 of the Government Code).

12610. The director may promulgate regulations similar to those promulgated by the Secretary of Health, Education, and Welfare or the Federal Trade Commission pursuant to the Fair Packaging and Labeling Act (P.L. 89-755; 80 Stat. 1296; 15 U.S.C. 1451–1461) effective to—

1. Establish and define standards for characterization of the size of a package enclosing any commodity, which may be used to supplement the label statement of net quantity of contents of packages containing such commodity, but this paragraph shall not be construed as authorizing any limitation on the size, shape, weight, dimensions, or number of packages which may be used to enclose any commodity;

2. Require that the label on each package of a commodity (other than one which is a food within the meaning of Section 201(f) of the Federal Food, Drug, and Cosmetic Act) bear the common or usual name of such consumer commodity, if any.

12611. It is unlawful to pack, ship, or sell any commodity in a container which does not conform to all the specifications of this chapter; or which is not conspicuously marked, branded, or otherwise labeled as required by this chapter; or on which any word, statement or other information required by this chapter is not prominently placed, in such terms and with such conspicuousness, as compared with other words, statements, designs or devices on the label or container, as to render it likely to be read and understood by ordinary persons under customary conditions of purchase and use

12612. The sale of any commodity packaged in a container, wherein both the container and the contents thereof comply with any act of Congress or rules or regulations promulgated thereunder, appertaining to weight, measure or count, does not violate the provisions of this chapter, nor does the sale of alcoholic beverages in containers complying with a rule, regulation or an approval of the United States Treasury Department, Internal Revenue Service, Alcohol, Tobacco and Firearms Division, or of the State Department of Public Health and pertaining to weight, measure or count constitute a violation of the provisions of this chapter.

12613. If any provision of this chapter is less stringent or requires information different from any requirement of Sec-

tion 4 of the act of Congress entitles "Fair Packaging and Labeling Act" (P.L. 89-755; 80 Stat. 1296; 15 U.S.C. 1451–1461) or of any regulation promulgated pursuant to such act, the provision shall be inoperative to the extent that it is less stringent or requires information different from any such federal requirement, in which event each such federal requirement is a part of this chapter

12614. For the purposes of this chapter:

(1) "Consumer commodity" means any commodity of any kind or class which is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purpose of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions;

(2) "Package" means any container or wrapping in which a commodity is enclosed for use in the delivery or display of that commodity to purchasers, but does not include;

(a) Shipping containers or outer wrappings used solely for the transportation of a commodity in bulk or in quantity to manufacturers, packers or processors;

(b) Shipping containers or outer wrappings used by retailers to ship or deliver a commodity to retail customers if such containers or wrappings contain no printed matter pertaining to a commodity.

(3) "Consumer package" means a package containing a consumer commodity.

(4) "Nonconsumer package" means any package other than a consumer package, and particularly a package intended solely for industrial or institutional use or for wholesale distribution.

(5) "Random package" means a package which is one of a lot, shipment or delivery of packages of the same consumer commodity with varying weights, that is, with no fixed weight pattern.

(6) "Label" means any written, printed or graphic matter affixed to any commodity or affixed to or appearing upon any package containing any commodity.

12615. The violation of any provision of this chapter is a misdemeanor punishable by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500), or by imprisonment in the county jail for not exceeding six months, or by both.

CHAPTER 1310

An act to amend Sections 5779 and 5792 of, and to add Section 5787.5 to, the Education Code, relating to the Miller-Unruh Basic Reading Act of 1965.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 5779 of the Education Code is amended to read:

5779. Commencing with the school years 1965–66, the State Board of Education shall require that uniform tests to determine achievement of basic reading fundamentals and skills shall be administered to all pupils who are completing the first and second grades. The State Board of Education shall adopt rules and regulations governing the time, place and methods for administration of the testing program.

The State Board of Education shall determine the form in which the results of uniform tests under this article shall be reported to the Department of Education, and beginning with the tests administered in the 1968–69 school year to second and third grade pupils, shall require, in addition to reports presently required for purposes of Section 5782, and as based on publishers' norms, that such reports include a distribution, based on first grade test results, of the number of months of progress achieved for each year the pupils have been in school.

Uniform tests for each grade shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption no later than January 31, 1966. Any test so adopted shall be in national use and nationwide norms shall have been developed for such test. The tests which have been approved and adopted by the board shall be printed or purchased, and distributed to the various school districts in the state by the Department of Education.

Pupils who have been determined to be mentally retarded or educationally handicapped, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

The testing program imposed by this chapter shall be used exclusively for the purposes herein set forth, and no test scores or results shall be employed to rank school districts according to their test results in any publication, other than a publication which may be made necessary in order to effectively administer this chapter.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 4 (commencing with Section 5781) of this chapter.

Commencing with tests administered in the 1969–1970 school year, school districts shall submit test score information on a per-school basis from the schools served by a specialist teacher.

SEC. 2. Section 5787.5 is added to the Education Code, to read:

5787.5. School districts shall establish in-service training programs to provide an opportunity for elementary school teachers of the district to observe on a regular basis the instructional techniques of the specialist teachers.

SEC. 3. Section 5792 of the Education Code is amended to read:

5792 Allowances under this article 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 5771.

The system shall be designed to give priority to districts in the following order:

(a) First, to insure that the districts participating in the program during the preceding fiscal year, which continue to be eligible, will not be required to reduce programs below the level of the preceding year.

(b) Second, to insure that applications for expansion of programs and applications for new programs in eligible schools be considered on a priority basis in terms of the percentage of pupils in grades 2 and 3 in the school that, based upon test results in grade 1 administered pursuant to Article 3 (commencing with Section 5779) of this chapter, failed to progress at least one year for each year in school.

Allowances computed for a district that received only basic aid in the preceding fiscal year shall be reduced by one-half.

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.

CHAPTER 1311

An act to amend Section 5254 of the Education Code, relating to attendance of pupils.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 5254 of the Education Code is amended to read:

5254. A child shall be admitted to a kindergarten in any term during the first school month of the term, if he is of the age prescribed. For good cause the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

If there is but one term during the school year, the child shall be 4 years and 9 months of age on or before September 1st of the current school year. If there are two terms maintained during the school year, the child shall be 4 years and 9 months of age on or before September 1st of the current school year, before he may be admitted in the first term of the school year, or 4 years and 9 months of age on or before

February 1st of the current school year, before he may be admitted in the second term in any school year.

A child who will be 4 years and 9 months of age on or before September 1st, may be admitted to the prekindergarten summer program maintained by the school district for pupils who will be enrolling in kindergarten in September.

CHAPTER 1312

An act to add Section 13561.2 to the Education Code, relating to public school employees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13561.2 is added to the Education Code, to read:

13561.2. The governing board of any school district may also utilize persons not having certification qualifications to supervise the pupils of the district during any breakfast period or other nutrition period. The compensation of such personnel may be paid from funds from which the compensation of personnel employed under Section 13561.1 may be paid.

CHAPTER 1313

An act to add Section 8201.5 to the Government Code, relating to disclosure of information.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 8201.5 is added to the Government Code, to read:

8201.5. The Secretary of State shall require an applicant for appointment and commission as a notary public to complete an application form prescribed by the Secretary of State. Information on this form filed by an applicant with the Secretary of State, except for his name and address, is confidential and no individual record shall be divulged by an official or employee having access to it to any person other than the applicant, his authorized representative, or an employee or officer of the federal government, the state government, or a local agency, as defined in subdivision (b) of Section 6252 of the Government Code, acting in his official capacity. Such information shall be used by the Secretary of State for the sole purpose of carrying out the duties of this chapter.

CHAPTER 1314

An act to amend Section 13506 of the Education Code, relating to teachers' salary schedules.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13506 of the Education Code is amended to read:

13506. Effective July 1, 1970, each person employed by a district in a position requiring certification qualifications except a person employed in a position requiring administrative or supervisory credentials, shall be classified on the salary schedule on the basis of uniform allowance for years of training and years of experience. Employees shall not be placed in different classifications on the schedule, nor paid different salaries, solely on the basis of the respective grade levels in which such employees serve.

In no case shall the governing board of a school district draw orders for the salary of any teacher in violation of this section, nor shall any superintendent draw any requisition for the salary of any teacher in violation thereof.

This section shall not apply to teachers of special day and evening classes in elementary schools, teachers of special classes for elementary pupils, teachers of special day and evening high school classes, substitute teachers, and junior college districts.

SEC. 2. The amendments to Section 13506 of the Education Code effected by Section 1 of this act shall become operative on July 1, 1970.

SEC. 3. It is the intent of the Legislature in amending Section 13506 of the Education Code as provided in Section 1 of this act to establish a uniform base salary schedule in each school district. It is not the intent of the Legislature in this act to limit a school district governing board in developing pay incentive programs.

CHAPTER 1315

An act to amend Section 13443 of the Education Code, relating to probationary employees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13443 of the Education Code is amended to read:

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will

not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof. The decision made after the

hearing shall be effective on May 15 of the year in which the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

CHAPTER 1316

An act to add Section 8823.5 to the Elections Code, relating to county central committees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 8823.5 is added to the Elections Code, to read:

8823.5. Notwithstanding the provisions of this article, each county central committee by resolution may provide for the election of all or a portion of central committee members to represent individual central committee districts. The member shall reside in the district he represents but shall be elected at large within the Assembly district in which the county central committee district he represents is located.

The county central committee shall reapportion itself at least every 10 years, prior to the June primary election of that year. Each district shall be apportioned on the basis of the number of registered Democrats for the June primary in each even-numbered year, with no more than a 10-percent deviation from the average. Each district shall be compact, contiguous, and utilize any natural and neighborhood boundaries. The dis-

trict boundaries shall not cut across any precinct district's lines as drawn by the county clerk for the last general or consolidated election.

This section shall not apply to a county containing 20 or more Assembly districts

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CHAPTER 1317

An act to amend Section 8820 of the Elections Code, relating to county central committees.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 8820 of the Elections Code is amended to read:

8820. In each county containing less than five Assembly districts, a county committee shall be elected by supervisor districts, and the number to be elected from any supervisor district shall be determined as follows: There shall be taken the number of votes cast in the supervisor district at the last gubernatorial election for that party's candidate for Governor, or, if the party had no candidate for Governor, for the candidate of the party voted on throughout the state who received the greatest number of votes and who was the candidate of that party alone. This number shall be divided by one-twentieth of the number of votes cast in that county for Governor or, where the party had no candidate for Governor, for the candidate mentioned above. The integer next larger than the quotient obtained by such division shall constitute the number of members of the committee to be elected by that party in that supervisor district.

The committees in counties containing less than five Assembly districts shall be composed of not less than 21 members. If the procedure outlined above would result in less than 21 members being elected for any committee, the number of votes cast for this party's candidate in each supervisor district shall be divided by an amount sufficiently smaller than one-twentieth of the votes cast for Governor in that county as to give a membership in the committee equal to or the nearest amount which is greater than 21 members.

In a county of the eighth class as defined in Section 28029 of the Government Code, the county central committee by resolution may provide for the election of twenty-five (25) central committee members to represent twenty-five (25) individual central committee districts. Each member shall reside in the district he represents, but shall be elected at large within the Assembly district in which the county central committee district he represents is located.

The county central committee shall reapportion itself at least every 10 years, prior to the June primary election of that year. Each district shall be apportioned on the basis of the number of registered Democrats for the June primary in each even-numbered year, with no more than a 10-percent deviation from the average. Each district shall be compact, contiguous, and utilize any natural and neighborhood boundaries. The district boundaries shall not cut across any precinct district's lines as drawn by the county clerk for the last general or consolidated election

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CHAPTER 1318

An act to amend Sections 23130 and 27160 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 23130 of the Vehicle Code is amended 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:		
(A) Before January 1, 1973	88 dbA	90 dbA
(B) On and after January 1, 1973	86 dbA	90 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 limit-

ing 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 motortruck, 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.

SEC. 2. Section 27160 of the Vehicle Code is amended 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 before January 1, 1970	92 dbA
(2) Any motorcycle, other than a motor-driven cycle, manufactured on or after January 1, 1970, and before January 1, 1973	88 dbA
(3) Any motorcycle, other than a motor-driven cycle, manufactured on or after January 1, 1973	86 dbA
(4) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured on or after January 1, 1968, and before January 1, 1973	88 dbA
(5) Any motor vehicle with a gross vehicle weight rating of 6,000 pounds or more manufactured on or after January 1, 1973	86 dbA
(6) Any other motor vehicle manufactured on or after January 1, 1968, and before January 1, 1973	86 dbA
(7) Any other motor vehicle manufactured after January 1, 1973	84 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.

CHAPTER 1319

An act to amend Section 647 of the Penal Code, relating to disorderly conduct.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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 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.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been once previously convicted of a violation of such subdivision, such previous conviction shall be charged in the accusatory pleading, and if such previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in the county jail for not less than 45 days and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until the defendant has served not less than 45 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon such person.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been previously convicted two or more times of a violation of such subdivision, each such previous conviction shall be charged in the accusatory pleading, and if two or more of such previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial or are admitted by the defendant, the defendant shall be imprisoned in the county jail for not less than 90 days and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until the defendant has served not less than 90 days in the county jail In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon such person.

SEC 2. Section 647 of the Penal Code is amended to read:

(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 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.

(h) 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.

(i) 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.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been once previously convicted of a violation of such subdivision, such previous conviction shall be charged in the accusatory pleading, and if such previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in the county jail for not less than 45 days and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until the defendant has served not less than 45 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon such person.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been previously convicted two or more times of a violation of such subdivision, each such previous conviction shall be charged in the accusatory pleading, and if two or more of such previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or are admitted by the defendant, the defendant shall be imprisoned in the county jail for not less than 90 days and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until the defendant has served not less than 90 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon such person.

SEC. 3. It is the intent of the Legislature, if amendments proposed by both this bill and Assembly Bill No. 401 to Sec-

tion 647 of the Penal Code are enacted, that the amendments made by both bills be given effect and incorporated in Section 647 of the Penal Code in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 401 is enacted, Section 2 of this act shall become operative at the same time that Section 647 of the Penal Code as amended by Assembly Bill No. 401 becomes operative, and at that time, Section 647 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 1320

An act to amend Sections 17009, 23038, 23701, 23701d, 23702, 23772, and 23772.5 of, and to add Sections 23773, 23774, 23775, 23776, and 26451.3 to the Revenue and Taxation Code, relating to tax-exempt organizations, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969]

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

SECTION 1. Section 17009 of the Revenue and Taxation Code is amended to read:

17009. "Corporation" includes joint stock companies or associations, insurance companies, and business trusts or so-called "Massachusetts trusts." "Corporation" also includes a trust organized and operated exclusively for purposes contained in Section 23701d which has applied for and been granted an exemption from tax under Section 23701d.

SEC. 2. Section 23038 of the Revenue and Taxation Code is amended to read:

23038. "Corporation" includes every corporation except:

(a) Banks.

(b) Corporations expressly exempt from the tax by this part or the Constitution of this state.

For the purposes of the tax imposed under Chapter 3, "corporation" also includes associations, other than banking associations, and Massachusetts or business trusts. For the purposes of this part, a Massachusetts or business trust includes every business organization consisting essentially of an arrangement whereby property is conveyed to one, or more than one, trustee for purposes other than the mere conservation of assets, collecting and disbursing of fixed or periodic income, or the securing of an obligation.

"Corporation" includes any "corporation" operated by any receiver, liquidator, referee, trustee or other officers or agents appointed by any court, or an assignee for the benefit of creditors.

"Corporation" includes any professional corporation incorporated pursuant to Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code.

Notwithstanding the above, "corporation" also includes a trust organized and operated exclusively for purposes contained in Section 23701d which has applied for and been granted an exemption from tax under Section 23701d.

SEC. 3. Section 23701 of the Revenue and Taxation Code is amended to read:

23701. Organizations which are organized and operated for nonprofit purposes within the provisions of a specific section of this article are exempt from the taxes imposed under this part, except as provided in Article 2 (commencing with Section 23731) of this chapter, if:

(a) An application for exemption is submitted in the form prescribed by the Franchise Tax Board; and

(b) A filing fee of ten dollars ($10) is paid with each application for exemption filed with the Franchise Tax Board after December 31, 1969; and

(c) The Franchise Tax Board issues a determination exempting the organization from tax.

This section shall not prevent a determination from having retroactive effect.

The Franchise Tax Board may issue rulings and regulations as are necessary and reasonable to carry out the provisions of this article.

SEC. 4. Section 23701d of the Revenue and Taxation Code is amended to read:

23701d. Corporations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation. An organization is not organized exclusively for exempt purposes listed above unless its assets are irrevocably dedicated to one or more purposes listed in this section. Dedication of assets requires that in the event of dissolution of an organization or the impossibility of performing the specific organizational purposes the assets would continue to be devoted to exempt purposes. Assets shall be deemed irrevocably dedicated to exempt purposes if the articles of organization provide that upon dissolution the assets will be distributed to an organization which is exempt under this section or Section 501(C)(3) of the Internal Revenue Code or to the federal government, or to a state or local government for public purposes; or by a provision in the articles of organization, satisfactory to the Franchise Tax Board; that the property will be distributed in trust for exempt purposes; or by establishing that the assets are irrevocably dedicated to exempt purposes by operation of law. The irrevocable dedication requirement shall not be a sole basis for revocation of an exempt determination made by the Franchise Tax Board prior to the effective date of this amendment.

SEC. 5. Section 23702 of the Revenue and Taxation Code is amended to read:

23702. An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any section of this article on the ground that all of its profits are payable to one or more organizations exempt from taxation under this article, or on the basis that it is using all its profits for purposes which would be exempt from taxation under this article, if conducted by a separate corporation. For the purposes of this section the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

SEC. 6. Section 23772 of the Revenue and Taxation Code is amended to read:

23772. Every organization exempt under Article 1 (commencing with Section 23701) of this chapter, except:

(a) A religious organization exempt under Section 23701d;

(b) An educational organization exempt under Section 23701d, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(c) A charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under Section 23701d, if such organization is supported, in whole or in part, by funds contributed by the United States or any state or political subdivision thereof, or is primarily supported by contributions of the general public; or

(d) An organization exempt under Section 23701d, if such organization is operated, supervised, or controlled by or in connection with a religious organization described in subsection (a)—

Shall file an annual information return with the Franchise Tax Board on or before the 15th day of the fifth full calendar month following the close of the income year setting forth—

(1) Its gross receipts for the year,

(2) Its expenses attributable to such income and incurred within the year,

(3) Its disbursements within the year for the purposes for which it is exempt,

(4) Its accumulation of income within the year,

(5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt,

(7) A balance sheet showing its assets, liabilities and net worth as of the beginning of such year, and

(8) Such other information as the Franchise Tax Board may by regulation prescribe.

(e) Any organization exempt from taxes under Article 1 (commencing with Section 23701) of this chapter shall pay

the minimum tax provided for by Section 23153 for any year or years for which it fails to file, on or before the due date, the annual return required by this section.

(f) A filing fee of five dollars ($5) must be paid on or before the due date for filing the annual information return required under this section. If not paid on or before such due date, the filing fee shall be ten dollars ($10). All collection remedies provided in Chapter 23 (commencing with Section 26131) of this part shall be applicable to collection of the filing fee.

(g) The provisions of this section shall be applicable to income years ending after December 31, 1969.

SEC. 7. Section 23772.5 of the Revenue and Taxation Code is amended to read:

23772.5. An organization otherwise required to file the return specified in Section 23772 need not file it if its gross receipts are less than ten thousand dollars ($10,000) and it has assets with a fair market value of less than ten thousand dollars ($10,000).

SEC. 8. Section 23773 is added to the Revenue and Taxation Code, to read:

23773. (a) On or before the 15th day of the fifth full calendar month following the close of the income year, every exempt organization not required to file an annual information return under Section 23772, by reason of Section 23772.5, shall file an annual information report with the Franchise Tax Board setting forth in such form as may be required by the Franchise Tax Board the following information: the name and address of the organization, its major activity or activities, the section of the Internal Revenue Code under which it is exempt, the type of federal income tax return filed, if any, and its gross receipts, expenditures and net income for the year.

(b) A filing fee of five dollars ($5) must be paid on or before the due date for filing the information report required under this section. If not paid on or before such due date, the amount of the filing fee shall be ten dollars ($10). All collection remedies provided in Chapter 23 of this part shall be applicable to collection of the filing fee.

(c) The provisions of this section shall be applicable to income years ending after December 31, 1969.

SEC. 9. Section 23775 is added to the Revenue and Taxation Code, to read:

23775. Except for purposes of amending the articles of incorporation to set forth a new name, under regulations prescribed by the Franchise Tax Board, the corporate powers, rights and privileges of an exempt domestic corporation may be suspended and the exercise of the corporate powers, rights and privileges of a foreign exempt corporation in this state may be forfeited if the organization fails to—

(a) File the annual return, report, or statement required under Section 23772 or 23773, or pay any amount due under Section 23772 or 23773 on or before the last day of the 12th month following the close of the income year; or

(b) Notify the Franchise Tax Board of its annual accounting period within nine months after its date of incorporation or qualification.

SEC. 10. Section 23776 is added to the Revenue and Taxation Code, to read:

23776. Any organization which was suspended under the provisions of Section 23775 may be relieved therefrom upon the filing of—

(a) A new application for exemption and payment of the ten-dollar ($10) filing fee required under Section 23701;

(b) An application for revivor;

(c) Any information returns, reports, statements, notifications, or amounts due under Section 23772, 23773, or 23775 which were not previously submitted or paid and which resulted in the suspension or forfeiture; and

(d) An information return, report, or statement and the amounts specified under Sections 23772 and 23773 for each year, or part thereof, during the period of suspension in which the organization conducted any activities or received income, grants, gifts or any other assets.

SEC. 11. Section 23777 is added to the Revenue and Taxation Code, to read:

23777. The exemption granted to any organization under the provisions of Article 1 (commencing with Section 23701) of this chapter may be revoked by the Franchise Tax Board if the organization fails to—

(a) File the annual return, report, or statement required under Section 23772 or 23773, or pay any amount required under Section 23772 or 23773 on or before the last day of the 12th month following the close of the income year;

(b) Notify the Franchise Tax Board of its annual accounting period within nine months after its date of incorporation or qualification; or

(c) Confine its activities to those permitted by the section under which the exemption was granted.

SEC. 12. Section 26451.3 is added to the Revenue and Taxation Code, to read:

26451.3. Applications for exemption and any documents in support of such application filed by an organization which is exempt under Article 1 (commencing with Section 23701) of Chapter 4 of this part from the taxes imposed under this part, shall be excluded from the term "business affairs" within the meaning of Sections 26451 and 26452. The Franchise Tax Board may impose a reasonable charge for supplying any information the disclosure of which is permitted under this section.

SEC. 14. There is hereby appropriated from the General Fund to the Franchise Tax Board, the sum of forty-two thousand dollars ($42.000), or so much thereof as may be necessary, for the expenses of the Franchise Tax Board to carry out its duties pursuant to this act.

CHAPTER 1321

An act to add Sections 10757 and 10758 to the Education Code, relating to pupil records.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 10757 is added to the Education Code, to read:

10757. A parent or legal guardian shall be permitted to inspect the written records concerning his child or ward in any reasonable manner in consultation with a certificated employee of the district when he requests to do so during regular hours of the schoolday. If the child's parents or legal guardians are divorced or separated, only the parent, guardian, or other person having lawful custody of the child shall be permitted to inspect the written records of the child pursuant to this section.

SEC. 2. Section 10758 is added to the Education Code, to read:

10758. The governing board of any school district shall give to each pupil's natural parent or legal guardian, upon written request, the same written information concerning academic performance that is given to the parent or guardian having custody of the pupil. For the purpose of obtaining written information concerning academic performance without inspection of the written records by the parent or guardian, the provisions of this section shall control over Section 10757.

CHAPTER 1322

An act to amend Sections 29040 and 43068 of, to amend and renumber Section 51204 of, and to add Section 51204 to, the Government Code, relating to open-space lands.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 29040 of the Government Code is amended to read:

29040. On or before June 10th of each year, as the board directs, each official or person in charge of any budget unit shall file with the auditor an itemized estimate of anticipated revenues and proposed expenditures. If the board directs, the estimates shall also be filed with the administrative officer. The person in charge of the budget of any elementary, high school, or unified school district which is unable to maintain the level of its educational program by reason of a decrease in assessed valuation, as described in Section 51204, may file an itemized estimate of anticipated revenue deficiencies caused by such decrease in assessed valuation pursuant to this section.

SEC. 2. Section 43068 of the Government Code is amended to read:

43068. Unless a majority of the city electors voting at an election held for that purpose are in favor of it, the annual property tax shall not exceed one dollar ($1) on each one hundred dollars ($100) of assessed valuation, exclusive of such tax as may be necessary to pay the costs of any pension plan for city employees adopted pursuant to Article 2 (commencing with Section 45341) of Chapter 2 of Division 5 of this title, exclusive of such tax, not to exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation, as may be necessary to pay the costs of civil defense or disaster preparedness, exclusive of such tax as may be necessary to pay the costs of sewerage facilities, exclusive of such tax as may be necessary to pay the costs of park and recreation facilities and exclusive of such tax in addition to the annual tax levy for other municipal purposes authorized by Sections 20532, 37465, 37558, 43069, and 51204 of this code, Section 5304 of the Public Resources Code, Section 27401 of the Education Code, and Chapter 3 (commencing with Section 65100) of Title 7 of this code.

SEC. 3. Section 51204 of the Government Code is amended and renumbered to read:

51203. The assessed valuations referred to in Section 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. 4. Section 51204 is added to the Government Code, to read:

51204. Any county or city which has entered into contracts or agreements with owners of land pursuant to this chapter may provide financial assistance from its general funds to any elementary, high school or unified school district within which such land is situated if the board of supervisors or the city council finds that the district, due to a decrease in assessed valuation attributable to the restriction in such contracts or agreements of land within the district, is unable to maintain its educational program at a level similar to that provided in the fiscal year immediately prior to the year in which the contracts or agreements qualify the land for valuation pursuant to Article 1.5 (commencing with Section 421) of Chapter 3 of

Part 2 of Division 1 of the Revenue and Taxation Code. The assistance provided pursuant to this section shall be in such amounts as the board or council determines to provide. Such assistance shall not exceed the amount directly attributable to such contract or agreement. Any funds received pursuant to this section by an elementary, high school or unified school district may be deposited by the governing board of the school district in any fund of the district.

The board or council may adopt such uniform standards as it believes necessary to determine the amount and method of payment of such assistance. The board or council may provide for such payments to be reduced annually, according to schedule, so as to cease financial assistance over a period of years specified by the board or council. The board or council may establish such funds and accounts as are determined to be necessary or desirable to carry out the provisions of this section.

When deferred taxes are collected pursuant to Section 51283, they shall be deposited in the county treasury and distributed as provided in Section 51283; provided, however, there shall be deducted from the amount to be distributed to any district an amount equal to the total payments previously made by the board or council pursuant to this section. Amounts deducted from the payments to a district may be deposited in any fund of the county or city.

CHAPTER 1323

An act to amend the heading of Chapter 1 (commencing with Section 15900) of Part 12 of Division 3 of Title 2 and Sections 15900 and 15901 of the Government Code, relating to economic policy of the state.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. The heading of Chapter 1 (commencing with Section 15900) of Part 12, of Division 3 of Title 2 of the Government Code is amended to read:

CHAPTER 1. POLICY FOR PROMOTING EMPLOYMENT GROWTH

SEC. 2 Section 15900 of the Government Code is amended to read:

15900. The Legislature declares that it is the continuing policy and responsibility of the state to foster and promote growth in employment, productivity, income, and purchasing power.

The Legislature further declares that in attaining these goals, the state shall:

(1) Use all practical means within its power consistent with its needs and obligations and other essential considerations of state policy;

(2) Seek the assistance and cooperation of industry, labor, the federal government and local government;

for the purpose of creating and maintaining the general conditions under which there will be afforded useful employment opportunities, including self-employment, for all those qualified persons, willing and seeking work.

SEC. 3. Section 15901 of the Government Code is amended to read:

15901. (a) The Governor, utilizing his staff and the resources of state agencies responsible to him in preparation thereof, shall transmit annually to the Legislature not later than the 60th calendar day of each regular session an economic report setting forth:

(1) A review of economic developments during the preceding calendar year, including trends in employment, unemployment, income, and major economic sectors as appropriate;

(2) Forecasts of trends in employment, income, and prices for the coming year, and trends in such major economic sectors as it is feasible to present;

(3) Additional material on the California economy as may be pertinent and of general interest, with historical analysis and projections of use in economic planning whenever possible.

(b) In conjunction with the economic report, the Governor shall present an economic message reviewing significant economic achievements of the past year, outlining problem areas, and defining economic policy, and shall make recommendations as may be appropriate for programs to further economic development, or increase employment, income, and purchasing power in the state.

(c) The Governor may transmit from time to time to the Legislature reports supplementary to the economic report, each of which shall include a statement on the current status of the California economy with respect to employment, income, and prices, and supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in the policy for economic development.

CHAPTER 1324

An act to amend Section 10606 of the Education Code, and to add Section 53069.5 to the Government Code, relating to rewards by local agencies and school districts.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 53069.5 is added to the Government Code, to read:

53069.5. A local agency, as defined in Section 54951, may offer and pay a reward, the amount thereof to be determined by the local agency, for information leading to the determination of the identity of, and the apprehension of, any person who willfully damages or destroys any property of the local agency.

Any person who has willfully damaged or destroyed such property shall be liable for the amount of any reward paid pursuant to this section and if he is a minor his parent or guardian shall also be liable for the amount.

SEC. 2. Section 10606 of the Education Code is amended to read:

10606. Any minor who willfully cuts, defaces, or otherwise injures in any way any property, real or personal, belonging to a school district is liable to suspension or expulsion, and the parent or guardian shall be liable for all damages so caused by the minor. The parent or guardian of any such minor shall also be liable for the amount of any reward paid pursuant to Section 53069.5 of the Government Code. The parent or guardian of a minor shall be liable to a school district for all property belonging to the school district loaned to the minor and not returned upon demand of an employee of the district authorized to make the demand.

CHAPTER 1325

An act to amend Sections 13321 and 14626 of the Government Code, relating to state agency budgets.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 13321 of the Government Code is amended to read:

13321. The budgets shall show the allotments of appropriations or other funds available for the fiscal year by quarter or other period of time and by organization unit. Expenditures may be classified by line item for each program in the detail prescribed by the department. The department may require the head of the state agency or court, in making up the budget allotments, to set aside a reserve for contingencies or other purposes in such amount as the department determines.

SEC. 2. Section 14626 of the Government Code is amended to read:

14626. The department shall devise, install, supervise, and at its discretion revise and modify a modern and complete accounting system for each agency of the state permitted or charged by law with the handling of public money or its equivalent, to the end that all revenues, expenditures, receipts, disbursements, resources, obligations, and property of the state be properly, accurately, and systematically accounted for and that there shall be obtained accurate and comparable records, reports, and statements of all the financial affairs of the state. This system may include a program cost accounting system as considered necessary. Such system and the accounts maintained by the several agencies of the state shall be coordinated with the central accounts maintained by the State Controller, and shall provide the State Controller with all information necessary to the maintenance by the State Controller of a comprehensive system of central accounts for the entire state government. The State Controller or the Director of General Services may submit to the State Board of Control and the Board of Control shall consider and adopt any rule or regulation required to implement this section.

CHAPTER 1326

An act to amend Sections 56161, 56221, 56443, 56444, and 56571 of, the heading of Article 6 (commencing with Section 56251) of Chapter 7 of Division 20 of, Sections 56534 and 56535 of, and to add Sections 56252, 56253, 56254, and 56451 to, the Agricultural Code, relating to agricultural marketing, and making an appropriation therefor.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 56161 of the Agricultural Code 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 mer-

chants 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 transaction 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 buys any farm product for his own use or consumption.

(e) 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. 2. Section 56221 of the Agricultural Code is amended to read:

56221. Before any commission merchant's license or dealer's license is issued to any commission merchant or dealer, the applicant shall execute and deliver to the director a surety bond which is executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety in the following sum:

(a) If the application is for a commission merchant's license, the bond shall be in the sum of five thousand dollars ($5,000).

(b) If the application is for a dealer's license, the bond shall be in the sum of four thousand dollars ($4,000).

The increase in the amount of bond required by this section made by the Legislature at the 1969 Regular Session shall not affect the sufficiency of a bond presently in the possession of the director until the conclusion of the fixed period of its coverage as that was measured on the effective date of the amendments made to this section at the 1969 Regular Session of the Legislature.

SEC. 3. The heading of Article 6 (commencing with Section 56251) of Chapter 7 of Division 20 of the Agricultural Code is amended to read:

Article 6. Financing Charges and Financial Statements

SEC. 4. Section 56252 is added to the Agricultural Code, to read:

56252. In addition to the other requirements of this chapter, each application for a commission merchant, or dealer's license, or for the renewal of any such license, shall include a true and correct current financial statement of the applicant. Such financial statement if not prepared by a public accountant or certified public accountant shall be on a form prescribed by the director and shall be submitted under penalty of perjury.

SEC. 5. Section 56253 is added to the Agricultural Code, to read:

56253. If at any time the director has cause or reason to believe that any licensed commission merchant, or dealer, is in an unsound financial condition so as to impair his ability to pay consignor-creditors or producer-creditors in full for farm products received or handled, he may require such licensee to file with him a current financial statement which shows the true and correct financial condition of such licensee. Such financial statement if not prepared by a public accountant or certified public accountant shall be on a form prescribed by the director and shall be submitted under penalty of perjury. Failure of any licensee to file a financial statement as required by this section shall be sufficient grounds for revocation of the license of such licensee.

SEC. 6. Section 56254 is added to the Agricultural Code, to read:

56254. Any financial statement submitted to the director pursuant to the provisions of this article is confidential and shall not be divulged except if necessary for the proper determination of any court proceedings or hearing before the director.

SEC. 6.5. Section 56443 of the Agricultural Code is amended to read:

56443. If a producer-consignor or seller of any farm product fails to obtain settlement satisfactory to him in any transaction after having notified the consignee, or buyer, a verified complaint may be filed with the director who shall notify the person against whom the complaint has been filed and undertake to effect a settlement. If he fails to effect such a settlement, he shall call a hearing as provided for in this article.

SEC. 6.7. Section 56444 of the Agricultural Code is amended to read:

56444. Upon the calling of a hearing on such a verified complaint, the director shall cause a copy of it, together with a notice of the time and place of hearing of such complaint to be served personally or by mail upon each person that is named as a respondent in the verified complaint. Such service shall be made at least 10 days before the hearing.

SEC. 7. Section 56451 is added to the Agricultural Code, to read:

56451. Any verified complaint filed with the director pursuant to this chapter shall be filed not later than one year after default by the licensee.

SEC. 8. Section 56534 of the Agricultural Code is amended to read:

56534. The director, after hearing, or investigation may suspend or revoke any license as the case may require, if he is satisfied that the licensee has become bankrupt or insolvent, and is thereby unable to pay creditors of the licensee, or producers with whom the licensee has executory or executed contracts for the purchase of any farm product, or for the handling of any farm product on consignment.

SEC. 9. Section 56535 of the Agricultural Code is amended to read:

56535. If the director is satisfied that to permit the dealer or commission merchant to continue to purchase or to receive further shipments or deliveries of any farm product would be likely to cause serious and irreparable loss to producer-creditors, or to producers with whom the dealer or commission merchant has such contracts, the director may shorten the time which is provided for hearing upon an order to show cause why the license of the dealer or commission merchant should not be forthwith suspended or revoked.

SEC. 10. Section 56571 of the Agricultural Code is amended to read:

56571. Except as otherwise provided in this article or in Section 55863, each applicant, for filing the application for a license, shall pay the following fee which is prescribed for such license:

(a) Commission Merchants. Eighty dollars ($80) for each year.

(b) Dealers. Eighty dollars ($80) for each year.

(c) Brokers. Eighty dollars ($80) for each year.

(d) Cash Buyers. Eighty dollars ($80) for each year.

(e) Agents. Ten dollars ($10) for each license period of the principal.

CHAPTER 1327

An act to add Section 14012 to the Government Code, relating to state property.

[Approved by Governor August 30, 1969. Filed with Secretary of State August 31, 1969.]

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

SECTION 1. Section 14012 is added to the Government Code to read:

14012. The director may lease nonoperating right-of-way areas to municipalities or other local agencies for public purposes, and may contribute toward the cost of developing local parks and other recreational facilities on such areas. The director may accept as all or part of the consideration for such lease or for such state contribution any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state. Such leases shall contain a provision that whenever the leased land is needed for state highway operating purposes the lease shall terminate. The department is authorized to classify portions of state highway right-of-way as nonoperating.

SEC. 2. This act shall be known as the "Marler-Johnson Highway-Park Act".

CHAPTER 1328

An act to amend Sections 1300 and 1303 of, the Business and Professions Code, relating to clinical laboratories.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. 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 an amount not to exceed twenty-five dollars ($25).

(c) The application fee for a clinical laboratory technologist's license is fifteen dollars ($15).

(d) The annual renewal fee for a clinical laboratory technologist's license shall be fixed by the board at an amount not to exceed ten dollars ($10).

(e) The application fee for a clinical laboratory permit is one hundred dollars ($100); 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 an amount not to exceed one hundred dollars ($100); 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 five dollars ($5).

(h) The annual renewal fee for a clinical laboratory technologist trainee's registration certificate is three dollars ($3).

(i) The application fee for a duplicate certificate is two dollars ($2).

(j) The delinquency fee is ten dollars ($10).

SEC. 2. Section 1303 of the Business and Professions Code is amended to read:

1303. The annual renewal fee set under this chapter shall be paid on or before the first day of January of each calendar year. Failure to pay the annual fee in advance during the time the license remains in force shall, ipso facto, work a forfeiture of said license after a period of 60 days from the first day of January of each year.

The department shall give written notice to all licensees 30 days in advance of the regular renewal date that a renewal fee has not been paid. In addition, the department shall give written notice to licensed clinical laboratory bioanalysts and

clinical laboratory technologists by registered mail 90 days in advance of the expiration of the fifth year that a renewal fee has not been paid and if not paid before the expiration of the fifth year of delinquency the licensee may be subject to reexamination.

If the renewal fee is not paid for five or more years, the board may require an examination before reinstating the license, except that no examination shall be required as a condition for reinstatement if the original license was issued without an examination. No examination shall be required for reinstatement if the license was forfeited solely by reason of nonpayment of the renewal fee if such nonpayment was for less than five years.

If the license is not renewed within 60 days after its expiration, the licensee, as a condition precedent to renewal, shall pay a delinquency fee of ten dollars ($10), in addition to the renewal fee in effect on the last preceding regular renewal date. Payment of the delinquency fee will not be necessary if within 60 days of the license expiration date the licensee files with the department an application for inactive status.

CHAPTER 1329

An act to add Section 31800.5 to the Government Code, relating to county retirement.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 31800.5 is added to the Government Code, to read:

31800.5. Whenever pursuant to the provisions of this article federal old age and survivors insurance provisions of the Social Security Act have been integrated as to members employed by a county or district, the relationship may be converted to a supplementation system under which the social security benefits shall be in addition to unintegrated retirement benefits. The conversion shall take place when the governing body of the county or district adopts by majority vote, a resolution providing that the conversion shall take place; provided, however, the resolution shall have received prior approval by majority affirmative vote of eligible members employed by the county or district in a referendum conducted in accordance with the provisions of Article 2 (commencing with Section 22300), Chapter 2, Part 4, Division 5 of Title 2 of this code. The conversion shall take place and become fully effective and operative on the date specified in the resolution.

In the event that the employees of the county or district are divided into more than one coverage group for purposes

of the Social Security Act, the conversion may be with respect to all coverage groups or one or more coverage groups as the governing board may determine in the resolution.

CHAPTER 1330

An act to add Section 16351.5 to the Government Code, relating to state funds.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 16351.5 is added to the Government Code, to read:

16351.5. The unexpended balance in any appropriation for capital outlay heretofore or hereafter made payable from each special fund which the Director of Finance, with the approval of the State Public Works Board, determines not to be required for expenditure pursuant to the appropriation, may be transferred on order of the Director of Finance to the unappropriated surplus of the special fund from which the appropriation was originally made

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CHAPTER 1331

An act to amend Sections 25601.1 and 25851.1 of the Education Code, relating to blind and deaf pupils and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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 district tax rate, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, 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 district tax rate, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, 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. 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 essential that this act take effect immediately so that the provisions of this bill may apply to payments due in the 1968–69 fiscal year

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CHAPTER 1332

An act to amend Section 205.5 of, and to add Section 205.8 to, the Revenue and Taxation Code, relating to veterans' exemptions.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 205.5 of the Revenue and Taxation Code is amended to read:

205.5. (a) There is exempt from taxation property, constituting the home, of every resident of this state who is a veteran as specified in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received pecuniary assistance from the government of the United States in the acquisition of a home with special fixtures or movable facilities made necessary by the nature of the disability.

(b) Where such a person, such a person and his spouse, or his widow, sells or otherwise disposes of such property, constituting the home, and thereafter acquires, with or without assistance from the government of the United States, any

other property which such person, such person and his spouse, or his widow, occupies habitually as a home, the exemption allowed pursuant to this section shall apply to such other property.

(c) No person shall be eligible for such exemption unless he was a resident of California at the time of his entry upon military or naval service, or unless he has resided in this state for five years out of the nine years immediately preceding the date of his application for the exemption, or unless he was a resident of California at the effective date of this section.

(d) This exemption includes the home of such a person owned in either joint, common or community interest with his or her spouse. This exemption includes the home of a widow of such a person acquired as described in subdivision (a).

(e) The exemption granted to any such person or any such person and his or her spouse or to the widow of such a person shall not exceed ten thousand dollars ($10,000) and shall not extend to more than one home.

(f) An exemption granted to a claimant in accordance with the provisions of this section shall be in lieu of any other property tax exemption to which the claimant may be entitled, and no property tax exemption may be claimed by any other person with respect to the same home for which an exemption has been granted under the provisions of this section.

(g) The exemption granted to the widow of such person shall cease upon her remarriage.

SEC. 2. Section 205.8 is added to the Revenue and Taxation Code, to read:

205 8. (a) There is exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in Section 1¼ of Article XIII of the Constitution, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less. This exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in Section 205.5 and Section 205.7.

(b) The exemption provided by this section applies only to the home of such a person which is owned by a corporation of which he is a shareholder, the rights of shareholding in which entitle him to possession of a home owned by the corporation. The exemption provided by this section shall be shown on the local roll and shall reduce the assessed value of such corporation. Notwithstanding any provision of law or articles of incorporation or bylaws of such corporation to the contrary, it is the intent of the Legislature that any reduction of property taxes paid by such corporation shall reflect an equal reduction in any charges by such corporation to the

veteran who by reason of his qualifying under subdivision (a), made possible such reduction for such corporation.

(c) Notwithstanding the provisions of Article 2 (commencing with Section 251) of Chapter 1 of this part, or Section 15606 of the Government Code, the assessor shall have exclusive authority to prescribe the procedure for making an application under this section. The exemption shall be granted under this section upon determination by the assessor that the person claiming the exemption meets the requirements of this section.

SEC. 3. This act shall become operative only in the event that Senate Constitutional Amendment No. 29 of the 1969 Regular Session is adopted by the people, in which case it shall become operative on the date such amendment is adopted by the people.

CHAPTER 1333

An act to add Section 655 to the Business and Professions Code, relating to the healing arts.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 655 is added to the Business and Professions Code, to read:

655. No person licensed under Chapter 7 (commencing with Section 3000) of this division may have any membership, proprietary interest, coownership, landlord-tenant relationship, or any profit-sharing arrangement in any form, directly or indirectly, either by stock ownership, interlocking directors, trusteeship, mortgage, trust deed, or otherwise, (a) with any person licensed under Chapter 5.5 (commencing with Section 2550) of this division to whom patients, clients or customers are referred by such person licensed under Chapter 7 (commencing with Section 3000), or who refers patients, clients, or customers to such person licensed under Chapter 7 (commencing with Section 3000) or (b) with any person who is engaged in the manufacture, sale, or distribution to physicians and surgeons, optometrists, or dispensing opticians of lenses, frames, optical supplies, optometric appliances or devices or kindred products.

The provisions of subdivision (b) do not apply to any corporation all of the shares of which are, and have been, wholly owned for more than one year immediately preceding April 8, 1969, by persons licensed under Chapter 7 (commencing with Section 3000) of this division or by any spouse of such person or to any person so licensed if such corporation or licentiate has been engaged in the manufacture, sale, or distribution to physicians and surgeons, optometrists, or dispensing opticians

of lenses, frames, optical supplies, optometric appliances or devices, or kindred products in the State of California continuously for more than one year immediately preceding April 8, 1969. That exception shall be effective as to any corporation so owned only so long as all shares thereof continue to be wholly owned by any person licensed under Chapter 7 (commencing with Section 3000) of this division or his spouse or issue, provided that such spouse or issue are not persons within the definitions and limitations set forth in subdivision (a) or (b).

Any violation of this section constitutes a misdemeanor as to such person licensed under Chapter 7 (commencing with Section 3000) of this division and as to any and all persons, whether or not so licensed under this division, who participate with such licensed person in a violation of any provision of this section.

SEC. 2. It is not the intention of the Legislature to destroy any business relationships which might have existed in this state when the proposal to regulate this area was first proposed to the Legislature.

CHAPTER 1334

An act to add Section 40309.5 to the Vehicle Code, relating to infractions.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 40309.5 is added to the Vehicle Code, to read:

40309.5. Every written notice of a violation of an ordinance of a city or county relating to parking offenses shall be accompanied by a written notice of the bail due for that violation and the address of the person authorized to receive a deposit of bail, to whom payments thereof may be sent.

CHAPTER 1335

An act to amend Sections 31243 and 31247 of the Education Code, relating to graduate fellowships.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 31243 of the Education Code is amended to read:

31243. Awards shall be for one academic year of graduate study, and may be renewed for up to three additional years if necessary for the student's degree objective which will qualify him as a prospective college teacher and if he is making normal progress toward a degree as determined by the commission. Awards of graduate fellowships shall be made upon a competitive basis The commission may take into account such factors as the following:

(a) Grades at the undergraduate level in the subject field in which the student wishes to do graduate work.

(b) Grades in the total undergraduate program.

(c) Aptitude for graduate work in the subject field, insofar as it is measurable.

(d) General aptitude for graduate study, insofar as it is measurable.

(e) Financial need of the student as an individual, independent in his own right.

SEC. 2. Section 31247 of the Education Code is amended to read:

31247 There shall be graduate fellowships, including renewals, for each academic year equal in number to 2 percent of the total number of baccalaureate degrees awarded during the next preceding academic year by colleges and universities located in California and accredited by the Western Association of Schools and Colleges. The amount of each award shall be calculated according to the following stipulations based upon the applicant's financial need, independent in his own right, not to exceed full cost of tuition and regular fees for one year at the institution which the student attends.

CHAPTER 1336

An act to add Chapter 3.4 (commencing with Section 31226) to Division 22 of the Education Code, relating to the State College Educational Opportunity Program.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Chapter 3.4 (commencing with Section 31226) is added to Division 22 of the Education Code, to read:

CHAPTER 3.4. STATE COLLEGE EDUCATIONAL OPPORTUNITY PROGRAM

31226. There is a state student assistance program which shall be known as the State College Educational Opportunity Program. It shall be the purpose of the program to provide grants and, where appropriate, educational assistance for undergraduate study at California State Colleges to students

who are economically disadvantaged, but who display potential for success in accredited curricula offered by the California State Colleges.

For the purposes of this chapter, "trustees" means the Trustees of the California State Colleges.

31226.1. State College Educational Opportunity Program grants shall be awarded to graduates of high schools who are residents of this state, to veterans of the armed forces who are residents of this state, and to nominees of state agencies authorized by the trustees to nominate candidates who are residents of this state for participation in programs authorized by this chapter. The trustees shall determine eligibility for grants awarded pursuant to this chapter. Such grants may be granted and renewed according to standards set by the trustees until the student has received a baccalaureate degree or has completed four academic years, whichever occurs first. In special circumstances, such as illness or military service, or family hardship, the trustees may renew the grant beyond the fourth year of study, provided the student has not received a baccalaureate degree. When the recipient is an enrollee in a special educational opportunity program approved by the trustees, for the purposes of this chapter, the state college sponsoring the program shall receive from the trustees reimbursement of up to sixty dollars ($60) per month per enrollee up to 12 months support.

31226 2. Grants shall be provided for students who display potential for success in accredited curricula offered by the California State Colleges, but lack the necessary funds to pay for tuition, books, and room and board, provided such students meet the standards of the state college which they are attending or the requirements for the special admissions program established by the trustees.

31226.3. Grants awarded pursuant to this chapter shall be in an amount sufficient to pay the costs of a student, during his course of study, for tuition, books, and room and board in accordance with his needs as shall be determined by the trustees. No student shall be awarded a grant in excess of seven hundred dollars ($700) per academic year.

31226.4. Each high school in this state shall nominate to the trustees students it deems deserving of the grants made available under this chapter. The trustees shall compile a list of students so nominated from which it may select students for grants in accordance with standards set by the trustees pursuant to this chapter. The Veterans Administration and state agencies authorized to nominate candidates for participation in programs authorized by this chapter may nominate such other candidates to the trustees whom they deem eligible for such grants.

31226 5. Records of the academic progress of each student attending college under a grant shall be kept by the trustees in order that the program created by this chapter may be evaluated.

31226.6. Each state college may submit plans for a special educational opportunity program for approval by the trustees. Each program qualifying shall be authorized a program director and may be authorized such special qualified counselors and advisors and such related operating and equipment support as is appropriate.

31226.7. This chapter shall be known as the State College Educational Opportunity Act.

SEC. 2. Any existing state funds appropriated by the Legislature for expenditure for scholarships pursuant to Chapter 3 (commencing with Section 31201) of Division 22 of the Education Code shall not be available for state college educational opportunity grants authorized by this act.

SEC. 3. All funds appropriated pursuant to Item 116.5 of the Budget Act of 1969 shall be expended pursuant to the provisions of Chapter 3.4 (commencing with Section 31226) of Division 22 of the Education Code.

CHAPTER 1337

An act to amend Sections 525 and 526 of the Business and Professions Code, relating to eyeglasses.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 525 of the Business and Professions Code is amended to read:

525. No dispensing optician, optometrist, or physician and surgeon shall dispense, prescribe, or sell any eyeglasses for use of a person whose sight is limited to one eye, a person who is a member of the California Highway Patrol or of a county sheriff's office, a city policeman, a person who is a fireman employed by the fire department of a city, county, or fire protection district and who normally wears such glasses for on-duty employment, or a person who is under 18 years of age, unless such eyeglasses are made with case-hardened lenses, with lenses made of laminated glass, with lenses made of resin material, or with lenses made of any other material resistant to shattering and which shall not be installed in frames manufactured of flammable material.

SEC. 2. Section 526 of the Business and Professions Code is amended to read:

526. A dispensing optician, optometrist, or physician and surgeon shall not be subject to disciplinary action under this article unless he is informed by the person obtaining the eyeglasses, or of his own personal knowledge knows, that the eyeglasses are for a person whose sight is limited to one eye, a person who is a member of the California Highway Patrol

or of a county sheriff's office, a city policeman, or a fireman employed by the fire department of a city, county, or fire protection district, or a person who is under 18 years of age.

A dispensing optician, optometrist or physician and surgeon is not required under this article to make any independent investigation of the occupation of the person for whom eyeglasses are intended or as to whether or not the sight of such person is limited to one eye.

CHAPTER 1338

An act to amend Section 1680 of, and to add Section 1656 to, the Business and Professions Code, relating to radiation safety.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 1656 is added to the Business and Professions Code, to read:

1656. On or after January 1, 1972, every person licensed to practice dentistry in the state shall certify to the board that he or any person employed by him, who operates dental radiographic equipment, has passed an examination in radiation safety conducted by the board or has passed a licensing examination as a dentist or dental hygienist deemed by the board as equivalent to the radiation safety examination.

An examination fee, in such amount as the board may determine, but not to exceed ten dollars ($10), shall be required of each applicant. Each successful applicant shall receive an acknowledgment of compliance from the board.

SEC. 2. Section 1680 of the Business and Professions Code is amended to read:

1680. Unprofessional conduct is defined to be any one of the following:

(1) The employment of persons known as cappers or steerers, to obtain business.

(2) The obtaining of any fee by fraud or misrepresentation.

(3) The willful betrayal of professional secrets.

(4) The employment directly or indirectly of any student or suspended or unlicensed dentist to practice dentistry as defined in this chapter.

(5) The aiding or abetting of any unlicensed person to practice dentistry.

(6) The aiding or abetting of a licensed person to practice dentistry unlawfully.

(7) Habitual intemperance.

(8) Gross immorality.

(9) The use of any false, assumed or fictitious name, either as an individual, firm, corporation or otherwise, or any name

other than the name under which he is licensed to practice, in advertising or in any other manner indicating that he is practicing or will practice dentistry.

(10) The practicing or accepting or receiving any commission or the rebating in any form or manner on fees for professional services, radiograms, prescriptions or other services or articles supplied to patients.

(11) The making use of any advertising statements of a character tending to deceive or mislead the public.

(12) The advertising of professional superiority or the performance of professional services in a superior manner.

(13) The advertising of definite or fixed prices for professional services.

(14) The use of advertising containing as a part thereof the representation of a tooth, teeth, bridgework or any portion of the human head.

(15) The employing or the making use of solicitors.

(16) The advertising of any free dental work, or free examination.

(17) The advertising to guarantee any dental service, or to perform any dental operation painlessly.

(18) The willful violation of any of the provisions of law regulating the dispensing and administration of dangerous drugs or narcotics, or the willful violation of any of the provisions of this chapter except the payment of fees.

(19) The failure to certify, or the false certification, to the board on or after January 1, 1972, that he or any person employed by the licentiate, who operates dental radiographic equipment, has passed an examination in radiation safety conducted by the board, or the equivalent of such examination as required by Section 1656; or the permitting of any person employed by him to operate dental radiographic equipment who has not passed an examination or the equivalent of such examination in radiation safety as required by Section 1656.

CHAPTER 1339

An act to add Section 4107.1 to the Welfare and Institutions Code, relating to state lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 4107.1 is added to the Welfare and Institutions Code, to read:

4107.1. Notwithstanding the provisions of Section 4104, the Director of General Services, with the consent of the Department of Mental Hygiene, may grant to the County of Napa a

right-of-way for public road purposes over the northerly portion of the Napa State Hospital lands for the widening of Imola Avenue between Penny Lane and Fourth Avenue, upon such terms and conditions as the Director of General Services may deem for the best interests of the state.

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:

Imola Avenue between Penny Lane and Fourth Avenue is a danger to the public safety and in order to correct this condition as soon as possible and avoid losing the construction season the County of Napa must secure a right-of-way over the state lands mentioned in this act to widen such road. It is, therefore, necessary that this act go into immediate effect.

CHAPTER 1340

An act to amend Sections 13000, 13001, 13002, 13004, and 13005 of, and to add Sections 13005.5 and 13008 to, the Vehicle Code, relating to identification cards.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 13000 of the Vehicle Code is amended to read:

13000. Any person 18 years of age or older who does not have a valid California driver's license may be issued an identification card by the department certified by the registrant and attested by the department as to true name, correct age, and other identifying data as the department may require. Every application for an identification card shall be signed and verified by the applicant before a person authorized to administer oaths.

SEC. 2. Section 13001 of the Vehicle Code is amended to read:

13001. The department shall issue an identification card only to a person who does not have a valid California driver's license, and only upon the furnishing of a birth certificate, or a registration certificate issued under the Federal Selective Service Act, or social security number, or a certification of naturalization issued by the United States Department of Justice, and other bona fide documentary evidence of the age and identity of such person, as the department may require.

SEC. 3. Section 13002 of the Vehicle Code is amended to read:

13002. Every identification card shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. Renewal of any identification card shall be made for a term which shall expire on the fourth birthday of the applicant following expiration of the identification card renewed, unless canceled earlier. Any application for renewal received after 90 days after expiration of the identification card shall be considered the same as an application for an original identification card.

SEC. 4. Section 13004 of the Vehicle Code is amended to read:

13004. It is unlawful for any person:

(a) To display or cause or permit to be displayed or have in his possession any canceled, fictitious, fraudulently altered, or fraudulently obtained identification card.

(b) To lend his identification card to any other person or knowingly permit the use thereof by another.

(c) To display or represent any identification card not issued to him as being his card.

(d) To permit any unlawful use of an identification card issued to him.

(e) To do any act forbidden or fail to perform any act required by this article.

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

SEC. 5. Section 13005 of the Vehicle Code is amended to read:

13005. The identification card shall resemble in appearance, so far as is practicable, a driver's license issued pursuant to this code. It shall adequately describe the registrant, bear his or her picture, and bear the following: "State of California"—"Identification Card No. _____"—"This card is provided solely for the purpose of establishing that the bearer described on the card was not the holder of a California driver's license as of the date of issuance of this card." The identification card shall be sealed in transparent plastic or similar substance.

SEC. 6. Section 13005.5 is added to the Vehicle Code, to read:

13005.5. An identification card issued to any person under the age of 21 years shall expire on the 21st birthday of such person and shall bear on the face of the card a photograph of the person in profile, an overprint of the word "minor" placed diagonally across the card, and a statement to the effect that the card expires on the 21st birthday of the person to whom it is issued. An identification card issued to any person 21 years of age or over shall bear a fullface photograph of the person.

SEC. 7. *Section 13008* is added to the Vehicle Code, to read:

13008. When used in reference to an identification card, "cancellation" means that an identification card is terminated without prejudice and must be surrendered. Cancellation of card may be made when a card has been issued through error or when voluntarily surrendered to the department.

SEC. 8. Section 13002 of the Vehicle Code is amended to read:

13002. Every identification card shall expire, unless canceled earlier, on the sixth birthday of the applicant following the date of original issue. Renewal of any identification card shall be made for a term which shall expire on the sixth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. Any application for renewal received after 90 days after expiration of the identification card shall be considered the same as an application for an original identification card. The department shall, at the end of six years and six months after the issuance or renewal of an identification card, destroy any record of the card if it has expired and has not been renewed.

SEC. 9. It is the intent of the Legislature, if amendments to Section 13002 of the Vehicle Code proposed by both this bill and S.B. 1030 are enacted, that both amendments be given effect and incorporated in Section 13002 in the form set forth in Section 8 of this act. Therefore, in the event S.B. 1030 is enacted and amends Section 13002, Section 8 of this act shall become operative at the same time that Section 13002 as amended by S.B. 1030 becomes operative, and at that time, Section 13002 of the Vehicle Code as amended by Section 3 of this act is repealed.

CHAPTER 1341

An act to amend the heading of Article 14 (commencing with Section 36121) of Chapter 2 of Part 2 of Division 14 of, and to add Section 36123 to, and to repeal Sections 36121, 36122, 36123, and 36124, and Article 15 (commencing with Section 36151) of Chapter 2 of Part 2 of Division 14 of, the Agricultural Code, relating to milk and milk products.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. The heading of Article 14 (commencing with Section 36121) of Chapter 2 of Part 2 of Division 14 of the Agricultural Code is amended to read:

Article 14. Degrading or Exclusion

SEC. 2. Section 36121 of the Agricultural Code is repealed.

SEC. 3. Section 36122 of the Agricultural Code is repealed.

SEC. 4. Section 36123 of the Agricultural Code is repealed.

SEC. 5. Section 36123 is added to the Agricultural Code, to read:

36123. Whenever two of the last four consecutive bacteria counts, coliform determinations or cooling temperatures taken on separate days exceed the limit of the standard for market milk or products of market milk or both the health authority or director shall send a notice thereof to the producer or distributor concerned. This notice shall be in effect for so long as two of the last four consecutive samples exceed the limit of the standard. An additional sample shall be taken within 14 days of the sending of such notice, but not before the lapse of three days. Immediate degrade of the market milk or product of market milk or exclusion of the market milk or product of market milk shall be instituted whenever the standard is violated by three of the last five bacteria counts, coliform determinations or cooling temperatures.

Violations of bacterial, coliform and cooling temperature standards shall be followed promptly by inspection to determine and correct the cause. This inspection shall be made immediately when the notice required by this section is sent.

Samples may be taken from consecutive milking at the producer level and from consecutive lots of processed products and shall be so taken when requested by the producer or processor.

Reinstatement of the market milk or products of market milk shall be made when two consecutive samples taken within a seven-day period again meet the standard. For the purpose of this section sampling for reinstatement and the new degrade series shall begin with the first sample taken after degrade.

SEC. 6. Section 36124 of the Agricultural Code is repealed.

SEC. 7. Article 15 (commencing with Section 36151) of Chapter 2 of Part 2 of Division 14 of the Agricultural Code is repealed.

CHAPTER 1342

An act to amend Sections 6702, 6704, and 6713 of the Financial Code, relating to savings and loan associations.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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 (1) 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 and (2) structures or buildings located on land owned in fee or held under a lease or sublease by the association with an unexpired term of 25 years at the date of execution by the association of such lease or sublease. Except as provided in Section 6703 no association shall invest in such real property or in such structures or buildings 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. Leasehold improvements as used herein shall not include structures or buildings referred to in subdivision (a) of this section. Except as provided in Section 6703 no association shall invest in furniture, fixtures, furnishings, equipment, and leasehold improvements as defined herein for its offices more than 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 and other securities as provided in Division 11 of this code.

(m) Stocks, bonds, debentures, participations, and other obligations of or issued by the Federal National Mortgage Association and the Government National Mortgage Association. No association at any one time shall have invested pursuant to the sole authority of this subdivision an aggregate amount in excess of 5 percent of the then total assets of the association.

(n) Loans and interests in loans on the security of real property located in foreign countries guaranteed by an agency of the federal or state government; and capital stock, obligations, notes, and other securities of any thrift institution organized under the laws of a foreign country and engaged in the business of making loans on the security of real estate in such country subject to regulations of the commissioner. No association shall make any investment pursuant to this subdivision if its aggregate outstanding investment under this subdivision would thereupon exceed 1 percent of the then total assets of the association.

(o) Subject to the rules and regulations of the commissioner, securities guaranteed pursuant to Section 306(g) of the National Housing Act, as amended.

(p) Subject to the rules and regulations of the commissioner, stock issued by a corporation authorized to be created pursuant to Title IX of the Housing and Urban Development Act of 1968, and may make investments in a partnership, limited partnership, or joint venture formed pursuant to Section 907(a) or 907(c) of such act.

SEC. 2. 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 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. 3. Section 6713 of the Financial Code is amended to read:

6713. No association shall borrow money except as authorized by this part, provided that, in addition to borrowings otherwise authorized as provided in this part, and to such extent as the commissioner approves by regulation or advice in writing, an association may borrow, give security, and issue such notes, bonds, debentures, or other obligations or other securities authorized by the commissioner.

CHAPTER 1343

An act making an appropriation to support Tahoe regional planning.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Notwithstanding any other provisions of law, the appropriation of fifty thousand dollars ($50,000) to the Tahoe Regional Planning Agency provided by Section 6.1 of Chapter 988 of the Statutes of 1968 is reappropriated for the purpose provided in said appropriation; and in addition, shall be available for expenditure by the California Tahoe Regional

Planning Agency until such time as the Tahoe Regional Planning Agency commences operation at which time the unexpended balance of that amount shall revert to the Tahoe Regional Planning Agency.

CHAPTER 1344

An act to repeal Chapter 4 (commencing with Section 55001) of Division 20 of the Agricultural Code, relating to grain warehouses.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Chapter 4 (commencing with Section 55001) of Division 20 of the Agricultural Code is repealed.

CHAPTER 1345

An act to amend Sections 1036 and 1904 of, and to add Section 1904.1 to, the Public Utilities Code, relating to the Public Utilities Commission.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 1036 of the Public Utilities Code is amended to read:

1036. Each application for a certificate of public convenience and necessity made under the provisions of this article shall be accompanied by a fee of seventy-five dollars ($75), unless the applicant is already operating in the immediate vicinity under the jurisdiction of the commission.

SEC. 2. Section 1904 of the Public Utilities Code is amended to read:

1904. The commission shall also charge and collect the following fees:

(a) Except as otherwise provided in Sections 1010, 1036, 1064 and 1064.1, for filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, seventy-five dollars ($75).

(b) For a certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, two dollars ($2) for each one thousand dollars ($1,000) of the face value of the authorized issue or fraction thereof up to one million dollars ($1,000,000), one dollar ($1) for each one thousand dollars ($1,000) over one million dollars ($1,000,000) and up to ten million dollars ($10,000,000), and fifty cents ($0.50) for each

one thousand dollars ($1,000) over ten million dollars ($10,000,000), with a minimum fee in any case of fifty dollars ($50). No fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any bond, note, or other evidence of indebtedness on which a fee has theretofore been paid to the commission. If the commission modified the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid.

SEC. 3. Section 1904 of the Public Utilities Code is amended to read:

1904. The commission shall also charge and collect the following fees:

(a) Except as otherwise provided in Sections 1010, 1010.1, 1036, 1064 and 1064.1, for filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, seventy-five dollars ($75).

(b) For a certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, two dollars ($2) for each one thousand dollars ($1.000) of the face value of the authorized issue or fraction thereof up to one million dollars ($1,000,000) one dollar ($1) for each one thousand dollars ($1,000) over one million dollars ($1,000,000) and up to ten million dollars ($10,000,000), and fifty cents ($0.50) for each one thousand dollars ($1,000) over ten million dollars ($10,000,000), with a minimum fee in any case of fifty dollars ($50). No fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any bond, note, or other evidence of indebtedness on which a fee has theretofore been paid to the commission. If the commission modified the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid.

SEC. 4. Section 1904.1 is added to the Public Utilities Code, to read:

1904.1. The commission shall also charge and collect the following fees:

For a certificate authorizing an issue of stock, two dollars ($2) for each one thousand dollars ($1,000) of the authorized issue or fraction thereof up to one million dollars ($1,000,000), one dollar ($1) for each one thousand dollars ($1,000) over one million dollars ($1,000,000) and up to ten million dollars ($10,000,000), and fifty cents ($0.50) for each one thousand dollars ($1,000) over ten million dollars ($10,000,000), with a minimum fee in any case of fifty dollars ($50). If the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee need be paid.

SEC. 5. It is the intent of the Legislature, if amendments to Section 1904 of the Public Utilities Code proposed by both

this bill and Senate Bill No. 1077 are enacted, that both amendments be given effect and incorporated in Section 1904 in the form set forth in Section 3 of this act. Therefore, in the event Senate Bill No. 1077 is enacted and amends Section 1904, Section 3 of this act shall become operative at the same time Section 1904 as amended by Senate Bill No. 1077 becomes operative, and at that time Section 1904 of the Public Utilities Code as amended by Section 2 of this act is repealed.

CHAPTER 1346

An act to amend Sections 26131, 26225, 26275, 26290, 26656, and 26658 of the Water Code, relating to irrigation districts.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 26131 of the Water Code is amended to read:

26131. The certificate of sale may be in substantially the following form, the blanks being filled to show the facts in each case:

Certificate of Sale No. __
_____ Irrigation District

I, the collector of _____ Irrigation District, certify that on the _____ day of _____, 19___, after giving the required notice, I sold to _____ Irrigation District, the purchaser, for the sum of _____ dollars ($_____) real property in the County of _____, State of California, described as follows:

(Insert description.)

This land was assessed to _____.

This property was sold for a delinquent assessment levied on it in the year _____ by the district, and the sale price was the sum due and unpaid on the assessment and the penalties and costs.

The purchaser will be entitled to a deed to the property at any time after five years from the date of the sale unless in the meantime the property is redeemed.

Witness my hand and the seal of the district this ___ day of _____, 19___.

(District Seal.)

_____
Collector of _____ Irrigation District

SEC. 2. Section 26225 of the Water Code is amended to read:

26225. Property sold for delinquent assessments may be redeemed within five years from the date of sale, or thereafter before a collector's deed of the property has been delivered, by payment in lawful money of the United States to the collector of the amount for which the property was sold plus a penalty of three-fourths of 1 percent per month from the date of sale until redemption.

Where a collector's deed has been delivered to the district, the period of redemption is extended until the first bid is received for the property or until the board determines the property is not to be sold as provided in Section 26290.

SEC. 3. Section 26275 of the Water Code is amended to read:

26275. If property sold for delinquent assessments has not been redeemed and five years have elapsed from the date of its sale, at least 30 days prior to the end of the redemption period the collector shall mail a notice specifying the date of sale and advising that, unless redeemed, a collector's deed will be issued to the property at any time after five years from the date of sale has elapsed. The notice shall be sent by certified mail to the last assessee of the property addressed to his last address shown on the assessment roll. Five years after the date of sale, and 30 days after mailing of the notice, the collector, upon demand, shall deliver a collector's deed to the property to the district or to the assignee holding the certificate of sale.

SEC. 4. Section 26290 of the Water Code is amended to read:

26290. If a collector's deed for property sold for delinquent assessments has been delivered to the district, the district shall not sell or otherwise dispose of such property except as provided in this section. The district may sell the property, in which case it shall sell the property at a public auction upon having first given notice to the assessee by certified mail with return receipt requested and notice of the sale as prescribed by Sections 3701, 3702, and 3704 of the Revenue and Taxation Code.

If the property is to be sold and is not redeemed before the first bid is received on such property, the district shall sell the property at public auction to the highest bidder at the time and place fixed.

At any time after the delivery of the collector's deed, and before the property is sold, the board may determine by resolution that the property is not to be sold, thereby terminating the right to redemption, but at least 30 days before the adoption of such a resolution the district shall give notice to the assessee, with return receipt requested, of the time, date, and place of the meeting at which the resolution will be considered and state that the property may be redeemed at any time before the adoption of the resolution.

SEC. 5. Section 26656 of the Water Code is amended to read:

26656. Lands sold for delinquent district assessments may be redeemed within five years from date of sale in the same manner as the redemption of property after sale for nonpayment of county taxes.

SEC. 6. Section 26658 of the Water Code is amended to read:

26658. Lands sold to the district remaining unredeemed after five years have elapsed from the date of their sale for delinquent district assessments shall be deeded to the district by the county tax collector. The deed shall be substantially in the form provided for collector's deeds by Section 26276 of the Water Code and shall have the same effect and be recorded in the same manner as irrigation district's collector's deeds under the provisions of Articles 4 and 5 of Chapter 6 of this part. Lands sold to the state remaining unredeemed after five years have elapsed from the date of their sale for delinquent district assessments shall be deeded to the state by the county tax collector.

SEC. 7. It is the intent of the Legislature that the provisions of Chapter 780 of the Statutes of 1968 shall be applicable only to collector's deeds delivered after the effective date of the Statutes of 1968.

SEC. 8. This act, except Section 7 thereof, shall not be applicable to property sold for delinquent assessments prior to the effective date of this act whether or not a collector's deed has been delivered to the purchaser thereof.

CHAPTER 1347

An act to amend Sections 100 and 1391 of, and to add Section 119.5 to, and to add Article 14.2 (commencing with Section 1063) to Chapter 1 of Part 2 of Division 1 of, the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 100 of the Insurance Code is amended to read:

100. Insurance in this state is divided into the following classes:

(1) Life
(2) Fire
(3) Marine
(4) Title
(5) Surety
(6) Disability
(7) Plate glass

(8) Liability
(9) Workmen's compensation
(10) Common carrier liability
(11) Boiler and machinery
(12) Burglary
(13) Credit
(14) Sprinkler
(15) Team and vehicle
(16) Automobile
(17) Mortgage
(18) Aircraft
(19) Mortgage guaranty
(19.5) Insolvency
(20) Miscellaneous

SEC. 2. Section 119.5 is added to the Insurance Code, to read:

119.5. Insolvency insurance includes insurance against loss arising from the failure of an insolvent insurer to discharge its obligations under its insurance policies.

SEC. 3. Article 14.2 (commencing with Section 1063) is added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to read:

Article 14.2. California Insurance Guarantee Association

1063. (a) Within 60 days after the effective date of this chapter, all insurers, including reciprocal insurers, authorized to transact insurance in this state, except those exclusively writing one or more of life, title, surety, disability, credit, mortgage, mortgage guaranty, and ocean marine insurance in this state, shall establish the California Insurance Guarantee Association (the association). Each such insurer, including the State Compensation Insurance Fund, as a condition of its authority to transact insurance in this state, shall participate in the association whether established voluntarily or by order of the commissioner after the elapse of 60 days following the effective date of this article in accordance with rules to be established as provided in this chapter. It shall be the purpose of such association to provide for each member insurer insolvency insurance as defined in Section 119.5.

(b) The association shall be managed by a board of governors, composed of nine member insurers, each of which shall be appointed by the commissioner to serve initially for terms of one, two, or three years and thereafter for three-year terms so that three terms shall expire each year, and shall continue in office until his successors shall be appointed and qualified. At least five members of the board shall be domestic insurers. At least three such members shall be stock insurers, and at least three shall be nonstock insurers. The nine members shall be representative, as nearly as possible, of the classes of insurance and of the kinds of insurers covered by this chapter. In case of a vacancy for any reason on the board, the com-

missioner shall appoint a member insurer to fill the unexpired term.

(c) The association shall adopt a plan of operations, and any amendments thereto, not inconsistent with the provisions of this chapter, necessary to assure the fair, reasonable, and equitable manner of administering the association, and to provide for such other matters as are necessary or advisable to implement the provisions of this chapter. The plan of operations and any amendments thereto shall be subject to prior written approval by the commissioner. All members of the association shall adhere to the plan of operation.

(d) If for any reason the association fails to adopt a suitable plan of operation within 90 days following the effective date of this chapter, or if at any time thereafter the association fails to adopt suitable amendments to the plan of operation, the commissioner shall after hearing adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this chapter. Such rules shall continue in force until modified by the commissioner after hearing or superseded by a plan of operation, adopted by the association and approved by the commissioner.

(e) In accordance with its plan of operation, the association may designate one or more of its members as a servicing facility, but a member may decline such designation. Each servicing facility shall be reimbursed by the association for all reasonable expenses it incurs and for all payments it makes on behalf of the association. Each servicing facility shall have authority to perform any functions of the association that the board of governors lawfully may delegate to it and to do so on behalf of and in the name of the association. The designation of servicing facilities shall be subject to the approval of the commissioner.

(f) The association shall have authority to borrow funds when necessary to effectuate the provisions of this chapter.

(g) The association, either in its own name or through servicing facilities, may be sued and may use the courts to assert or defend any rights the association may have by virtue of this chapter as reasonably necessary to fully effectuate the provisions thereof.

1063.1. As used in this chapter:

(a) "Member insurer" means an insurer required to be a member of the association in accordance with the provisions of subdivision (a) of Section 1063, except and to the extent that such insurer is participating in an insolvency program adopted by the United States government.

(b) "Insolvent insurer" means an insurer for which a domiciliary or ancillary liquidator has been appointed in this state after the effective date of this chapter.

(c) (1) "Covered claims" means the obligations of an insolvent insurer, (i) imposed by law and arising out of an insurance policy of the insolvent insurer; (ii) which were unpaid by the insolvent insurer; (iii) which are presented as

a claim to the liquidator in this state or to the association on or before the last date fixed for the filing of claims in the domiciliary liquidating proceedings; (iv) which were incurred prior to, on, or within 30 days after the date the liquidator was appointed; (v) for which the assets of the insolvent insurer are insufficient to discharge in full; (vi) in the case of a policy of workmen's compensation insurance, to provide workmen's compensation benefits under the workmen's compensation law of this state and (vii) in the case of other classes of insurance if such policy is issued to a resident of this state or claim against an insured thereunder is made by a resident of this state.

(2) "Covered claims" shall not include any obligations arising from life, title, surety, disability, credit, mortgage, or mortgage guaranty insurance, nor arising from a policy of ocean marine insurance.

(3) "Covered claims" shall not include any obligations to refund unearned premiums, nor any obligations of the insolvent insurer arising out of any reinsurance contracts, nor any obligations incurred after the expiration date of the insurance policy or after the insurance policy has been replaced by the insured or canceled at the insured's request or after the insurance policy has been canceled by the association as provided in this chapter, nor any obligations to any state or to the federal government.

(4) "Covered claims" shall not include any obligations to insurers, insurance pools, or underwriting associations, except as otherwise provided in this chapter.

(5) "Covered claims," except in the case of a claim for workmen's compensation benefits, shall not include any claim in an amount of one hundred dollars ($100) or less, nor the first one hundred dollars ($100) of any claim in excess of one hundred dollars ($100), nor that portion of any claim which is in excess of any applicable limits provided in the insurance policy issued by the insolvent insurer.

(6) "Covered claims" shall not include that portion of any claim, other than a claim for workmen's compensation benefits, which is in excess of five hundred thousand dollars ($500,000).

(7) "Covered claims" shall not include (a) any claim to the extent it is covered by any other insurance of a class covered by the provisions of this article available to the claimant nor (b) any claim by any person other than the original claimant under the insurance policy in his own name, his executor, administrator, guardian or other personal representative or trustee in bankruptcy and shall not include any claim asserted by an assignee or one claiming by right of subrogation, except as otherwise provided in this chapter.

1063.2. (a) The association shall pay and discharge covered claims. It may do so either directly by itself or through a servicing facility or through a contract for reinsurance and assumption of liabilities by one or more member insurers or

through a contract with the liquidator, upon terms satisfactory to the association and to the liquidator, under which payments on covered claims would be made by the liquidator using funds provided by the association.

(b) The association shall be a party in interest in all proceedings involving a covered claim, and shall have the same rights as the insolvent insurer would have had if not in liquidation (1) to appear, defend, and appeal a claim in a court of competent jurisdiction; (2) to receive notice of, investigate, adjust, compromise, settle, and pay a covered claim; and (3) to investigate, handle, and deny a noncovered claim. The association shall have no cause of action against the insureds of the insolvent insurer for any sums it has paid out, except as provided by this chapter.

(c) If damages against uninsured motorists are recoverable by the claimant from his own insurer, such damages recoverable shall be a credit against a covered claim payable under this chapter. If damages against an insured who is not a resident of this state are recoverable by a claimant who is a resident of this state, in whole or in part, from any insolvency fund or its equivalent in the state where the insured is a resident, such damages recoverable shall be a credit against a covered claim payable under this chapter. Any amount paid a claimant in excess of the amount authorized by this section may be recovered by action brought by the association. A member insurer may recover from the association only one-half of any amount paid by such insurer under uninsured motorist coverage only for bodily injury or wrongful death, in those cases where the injured person insured by such an insurer has proceeded under his uninsured motorist coverage on the ground that the tort-feasor is uninsured as a result of the insolvency of his liability insurer, provided that when making such claim against the association, such member insurer waives all rights of subrogation against such tort-feasor.

(d) The association shall receive the benefit of any reinsurance contracts or treaties entered into by the insolvent insurer which cover any of the liabilities incurred by the insolvent insurer.

(e) The association shall continue coverage for covered claims under all insurance policies of the insolvent insurer that were in force on the date the liquidator was appointed until the insurance policy has expired in accordance with its terms, or has been replaced by the insured, or canceled at the insured's request, or has been canceled by the association as provided in this chapter.

(f) The association shall have authority to cancel insurance policies of the insolvent insurer by mailing or delivering to the insured at the last known address within this state a written notice of cancellation at least 10 days prior to the effective date of such cancellation, notwithstanding any statute or policy provision to the contrary.

1063.3. The association shall have authority to submit reports and make recommendations to the commissioner regarding the financial condition of any member insurer. Such reports and recommendations shall not be public documents. There shall be no liability on the part of, and no cause of action of any nature shall arise against, member insurers, the association or its agents or employees, the board of governors, or the commissioner or his authorized representatives, for any statements made by them in any reports or recommendations made hereunder. Nothing in this section shall authorize the association to audit the books of a member insurer.

1063.4. (a) Insureds entitled to the protection of this chapter shall cooperate with the association in accordance with their policies in the same manner as they would have been required to cooperate with their insurer if it were not in liquidation and shall be deemed to have assigned to the association any right to make claim against the liquidator for a refund of unearned premium for the period of coverage provided by the association beginning on the date of liquidation to the date of expiration or cancellation.

(b) Any insured or claimant entitled to the benefits of this chapter shall be deemed to have assigned to the association, to the extent of any payment received, his rights against the estate of the insolvent insurer.

1063.5. Each time an insurer becomes insolvent then, to the extent necessary to secure funds for the association for payment of covered claims of that insolvent insurer and also for payment of reasonable costs of adjusting such claims, the association shall collect premium payments from its member insurers sufficient to discharge its obligations. The association shall allocate its claim payments and costs, incurred or estimated to be incurred, to one or more of the following categories: (1) workmen's compensation claims; (2) automobile claims; and (3) claims other than workmen's compensation and automobile. The association may establish separate categories for classes other than workmen's compensation and automobile. Separate premium payments shall be required for each category. The premium payments for each category shall be used to pay the claims and costs allocated to such category. The rate of premium charged shall be a uniform percentage of net direct written premium applicable to such category. The premium charged to any member insurer for any category shall not be more than 1 percent of the net direct premium written in that category in this state by such member insurer. Such premium charge shall be recognized in the ratemaking procedures for insurance rates in the same manner that losses are recognized. After all covered claims of the insolvent insurer and expenses of administration have been paid, any unused premiums and any reimbursements from the liquidator

remaining in any category shall be refunded by the association to the member insurers who paid the premiums for such category in proportion to their premiums paid. However, an insurer which ceases to be a member of the association shall have no right to a refund of any premium previously remitted to the association. The commissioner may suspend or revoke the certificate of authority to transact business in this state of a member insurer which fails to pay a premium when due and after demand has been made.

1063.6. All proceedings in any court of law of this state to which the insolvent insurer is a party shall be stayed for a period of 60 days from the date a liquidator is appointed in this state or in the state of domicile of the insurer, to permit proper defense of all pending causes of action.

1063.7. When a liquidator is appointed in this state for any insurer, the liquidator shall promptly give notice of his appointment and a brief description of the contents of this chapter and of the nature and functions of the association by prepaid first-class mail, to: (1) all persons known or reasonably expected to have or be interested in claims against the insurer, at the last known address within this state including notice to the insured of the date of the termination of insurance; (2) all insureds of the insurer, at the last known address within this state; and (3) the board of governors of the association. The liquidator may also require that producers of record of the insurer give prompt written notice of the same information, by first-class mail, to their insureds at the last known address within this state. The liquidator shall also promptly publish such notice in a newspaper of general circulation in the county where the insurer had its principal office in this state not less than once per week, for four weeks, and by publication elsewhere in this state as the court shall direct.

1063.8. Notwithstanding any other provision of law, the association shall be exempt from all license fees, income, franchise, privilege, or occupation taxes levied or assessed by this state, any municipality, county, or other political subdivision of the state.

1063.9. (a) The operation of the association shall at all times be subject to the regulation of the commissioner. The commissioner, or any deputy or examiner, or any person whom the commissioner shall appoint, shall have the power of visitation and examination into the affairs of the association and free access to all books, papers, and documents that relate to the business of the association, may summon and qualify witnesses under oath, and may examine officers, agents or employees, or any other person having knowledge of the affairs, transactions, or conditions of the association.

(b) Any member insurer aggrieved by any action or decision of the association may appeal to the commissioner within 30 days after the action or decision.

1063.10. All orders or decisions of the commissioner made pursuant to this chapter, shall be subject to judicial review.

1063.11. The commissioner may, upon notice and opportunity for all interested parties to be heard, issue such rules, regulations and orders as may be necessary to carry out the provisions of this article. Such rules and regulations shall be adopted, amended or repealed in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

1063.12. Neither the association, its member insurers or any officer, director, agent or employee of the association, or its member insurers, shall be liable for any sum in excess of the face amount of any policy of insurance of the insolvent insurer, as defined under subdivision (c) of Section 1063.1 of this article.

SEC. 4. Section 1391 of the Insurance Code is amended to read:

1391. Whenever an exchange subject to this article, is not possessed of admitted assets sufficient to discharge all liabilities and to maintain the required surplus, the attorney may make an assessment for the amount, subject to the limits provided by this article, needed to make up the deficiency. If the attorney fails to make the assessment within 30 days after the commissioner orders him to do so, the commissioner may make the assessment. If liquidation of such an exchange is ordered, the assessment may be levied for such an amount, subject to limits provided by this article, as the commissioner determines to be necessary to discharge all liabilities of the exchange, including the reasonable cost of liquidation.

SEC. 4.5. 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. 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:

Certain insurers doing business in this state are now in conservatorship or face the possibility of insolvency. Some of such insurers have issued their policies primarily to persons of modest means or have undertaken to provide workmen's compensation benefits to workers in all parts of the state, and such conservatorship or potential insolvency can impose extreme hardship upon such persons and upon other insureds, claimants, public agencies and the public at large. In order to provide a means for mitigating or preventing such an inequitable situation at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 1348

An act to add Article 2.6 (commencing with Section 5140) to Chapter 2 of Division 5 of the Public Resources Code, relating to county theatrical schools and institutes.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Article 2.6 (commencing with Section 5140) is added to Chapter 2 of Division 5 of the Public Resources Code, to read:

Article 2.6. County Theatrical Schools and Institutes

5140. In addition to its other powers the board of supervisors of any county with a population of four million or more may:

(a) Acquire land for and construct, lease or otherwise acquire, furnish, refurnish, maintain or repair buildings for special or technical schools or institutes for instruction in the dramatic or theatrical arts, and related facilities, including, without limitation to, public auditoriums or playhouses and offstreet parking places for motor vehicles;

(b) Operate such schools or institutes and other related facilities, and, in the operation thereof, charge such fees as are necessary to defray the cost of instruction, issue certificates evidencing completion of the instruction taken to the satisfaction of the board, present theatrical and other entertainment to the public and charge admission thereto, and exercise any other power the board deems necessary and proper to promote the objects and purposes of such schools or institutes and their related facilities;

(c) Enter into an operating lease or sublease, without advertising for bids therefor, of such buildings, structures and facilities, or any thereof, with any nonprofit association or corporation for their maintenance, operation, and management, or any thereof, for such purposes and for a specified term, not to exceed 40 years, such lease or sublease to include provisions regarding manner of use as required by law and such other terms and conditions as the board sees fit.

5141.1. Any such lease or sublease entered into pursuant to subdivision (c) of Section 5140 shall provide that the net revenue, if any, from the operation and use of the facilities, remaining after the payment of any expenses and costs for maintenance, operation or management, payment of interest and principal upon any loans made to the nonprofit corporation or association for purposes of maintenance, operation or management, or any other expenses, and after providing maintenance and operation reserves, shall be paid at least an-

nually to the county. Notwithstanding the provisions of Section 231 of the Revenue and Taxation Code, all such buildings, structures and facilities, together with the land upon which they are situated, and so much of the surrounding land as is required for their use and occupation, operated by a nonprofit association or corporation pursuant to any such operating lease or sublease, shall be exempt from taxation within the meaning of "charitable purposes" in Section 1c of Article XIII of the Constitution of California. Any such lease or sublease shall provide that, upon its expiration and after payment or discharge of its indebtedness and liabilities, all of the assets of the nonprofit association or corporation shall be transferred to the county.

CHAPTER 1349

An act to amend Section 9308 and the heading of Article 1 (commencing with Section 9301) of Chapter 2 of Division 8 of the Education Code, relating to textbooks.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. The heading of Article 1 (commencing with Section 9301) of Chapter 2 of Division 8 of the Education Code is amended to read:

Article 1. Adoption and Selection of Textbooks

SEC. 2. Section 9308 of the Education Code is amended to read:

9308. The board shall, at the time of the adoption of basic textbooks as provided in Section 9307, provide a list of supplementary textbooks tentatively indicated for adoption for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning. The board shall establish a distribution schedule which shall set forth the recommended quantities of supplementary textbooks which shall be available to pupils and teachers. Such schedule shall include the estimated cost of each supplementary textbook. The board shall cause to be computed for each school district providing instruction in the elementary school grades an amount of textbook credit which shall be equal to the total of the estimated cost of all the supplementary textbooks which would be available to the school district under the conditions of the recommended distribution schedule. The board shall make this amount of textbook credit known to the school district. The board shall determine the period for which each

supplementary textbook is adopted, consistent with the provisions of Section 9315.

SEC. 3. Section 9308 of the Education Code is amended to read:

9308. The board shall, at the time of the adoption of basic textbooks as provided in Section 9307, provide a list of supplementary textbooks tentatively indicated for adoption for use in those subjects of the several elementary school grades for which the board shall determine the need and desirability for a supplementary textbook or supplementary textbooks to promote the maximum efficiency of pupil learning. The board shall establish a distribution schedule which shall set forth the recommended quantities of supplementary textbooks which shall be available to pupils and teachers. Such schedule shall include the estimated cost of each supplementary textbook. The board shall cause to be computed for each school district providing instruction in the elementary school grades an amount of textbook credit which shall be equal to the total of the estimated cost of all the supplementary textbooks which would be available to the school district under the conditions of the recommended distribution schedule. The board shall make this amount of textbook credit known to the school district. The board shall determine the period for which each supplementary textbook is adopted, consistent with the provisions of Section 9313.

SEC. 4. It is the intent of the Legislature, if amendments to Section 9308 of the Education Code proposed by both this bill and Senate Bill No. 225 are enacted that both amendments be given effect and incorporated in Section 9308 in the form set forth in Section 3 of this act. Therefore, in the event Senate Bill No. 225 is enacted and amends Section 9308, Section 3 of this act shall become operative at the same time that Section 9308 as amended by Senate Bill 225 becomes operative, and at that time, Section 9308 of the Education Code as amended by Section 2 of this act is repealed.

CHAPTER 1350

An act to add Section 62491 to, and to repeal Section 62491 of, the Agricultural Code, relating to milk, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 62491 of the Agricultural Code is repealed.

SEC. 2. Section 62491 is added to the Agricultural Code, to read:

62491. The director may suspend the minimum wholesale prices, or the minimum retail prices, or both, which are in effect in any marketing area, subject to the following requirements:

(a) The suspension shall not be effective until the director determines that the minimum prices suspended do not conform to and effectuate the legislative declarations, purposes and intent set forth in this chapter.

(b) Prior to making any determination provided for in subdivision (a) the director shall hold one or more public hearings in the marketing area which is affected, upon the subject of the proposed suspension. Any such hearing must be held in the manner prescribed in this article prior to the establishment by the director of minimum prices.

(c) The director, upon making the determination provided for in subdivision (a), may suspend all minimum wholesale and minimum retail prices then in effect in the entire marketing area, or he may limit such suspension as follows:

(1) The suspension may be confined to a zone or zones within a marketing area.

(2) The suspension, within the area affected, may be limited to minimum wholesale prices, or to minimum retail prices, or to particular minimum wholesale prices or minimum retail prices.

(d) The suspension may be made effective for such period as is determined by the director except that the director shall, within each successive 90-day period following the effective date of the suspension, review all applicable economic factors operative in the marketing area affected for the purpose of determining the necessity for a continuation of the suspension. Such periodic review may include a public hearing conducted in the manner prescribed in this article for such hearings.

(e) At any time within a period of six months following the effective date of the suspension the director may reinstate, in the marketing area, without prior public hearing, the minimum prices theretofore suspended. Different minimum prices may be again established in the marketing area only after public hearing or hearings, conducted in the manner prescribed in this article for such hearings.

(f) Any suspension of minimum prices under this section shall be effective only as to fluid milk or fluid cream, or both, sold within the geographic area affected by the suspension. Any fluid milk or fluid cream, or both, purchased, or otherwise acquired, within, or from sources within, such geographic area, during the effective period of the suspension, for resale elsewhere, shall be subject to the minimum wholesale prices and the minimum retail prices established by the director for the area of ultimate sale of such fluid milk or fluid cream or both.

(g) This section does not apply to unfair practices. The provisions of Chapter 1 (commencing with Section 61301) of this part, and of Article 9 (commencing with Section 62041)

of this chapter, shall remain in effect at all times as to transactions occurring or originating in any geographic area in which minimum prices are suspended under this section.

(h) Any suspension of minimum prices under this section shall not suspend application of any of the provisions of this chapter as to any fluid milk sold, or contracted to be sold, by a distributor or retail store during any period prior to suspension by the director of the minimum prices applicable to such fluid milk.

This section does not apply to stabilization and marketing plans nor to pooling plans. Any such stabilization and marketing plan may be amended or terminated only as provided in Article 19 (commencing with Section 62381) of this chapter. Any such pooling plan may be amended or terminated only as provided in Chapter 3 (commencing with Section 62700) of this part.

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:

There is need for enlarged authority for the Director of Agriculture to suspend resale price controls for fluid milk, particularly at the wholesale level, in order to prevent economic dislocation in the dairy industry which may adversely affect the supply of fluid milk and dairy products to the consuming public. To insure continuity of such supply of fluid milk and dairy products, it is necessary that this act go into immediate effect.

CHAPTER 1351

An act to amend Sections 23608, 23610, and 25201 of, and to add Section 25207 to, the Education Code, relating to the California State Colleges.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 23608 of the Education Code is amended to read:

23608. The trustees may enter into agreements with any public or private agency, officer, person, or institution, corporation, association, or foundation for the performance of acts or for the furnishing of services, facilities, materials, or equipment by or for the trustees or for the joint performance of an act or function or the joint furnishing of services and facilities by the trustees and the other party to the agreement.

The trustees may enter into agreements with the federal government or any agency thereof in accordance with the pro-

cedures prescribed by the federal government or such agency in order to receive the benefits of any federal statute extending benefits to state colleges or to state college students, including, but not limited to,

(a) Agreements with any agency of the federal government for the education of persons in the service of the federal government,

(b) Agreements with any agency of the federal government for the education of veterans, provided that such agreements shall provide for payment of the maximum amount permitted under the act, or acts, of Congress under which the agreement is entered into.

Notwithstanding any other provision of law, the trustees have all power necessary to perform such acts and comply with conditions required or imposed by the federal government in order to receive such benefits. The trustees are vested with all necessary power and authority to cooperate with any such agency of the federal government in the administration of any applicable act of Congress and rules and regulations adopted thereunder.

The provisions of Article 1 (commencing with Section 4300) of Chapter 4 of Division 5, Title 1 of the Government Code shall not apply to the purchase by the trustees of musical instruments for the use of students of state colleges.

SEC. 2. Section 23610 of the Education Code is amended to read:

23610. The trustees may enter into agreements with any agency of the federal government for the construction of housing and other educational facilities for students and faculties of any college under the jurisdiction of the trustees if they determine that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the federal government for the construction of the facilities.

The trustees may also enter into agreements with any agency of the federal government which result in grants, matching funds, or any other kind of financial aid for construction of housing and other educational facilities for students and staff of any college under the jurisdiction of the trustees.

Notwithstanding any other provision of law, whenever necessary to secure the full benefits of any federal statutes pertaining to loans, grants, matching funds, or any other kind of financial aid to educational institutions for housing and other educational facilities, the trustees may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC. 3. Section 25201 of the Education Code is amended to read:

25201. As used in this chapter:

(a) "Project" includes the erection, construction, alteration, repair or improvement of any state structure, building,

road, or other state improvement of any kind which will exceed in cost a total of five thousand dollars ($5,000).

(b) "Trustees" means the Trustees of the California State Colleges.

(c) "Service contract" means any contract for services in connection with a project other than a project contract, and includes, but is not limited to, contracts for architectural, engineering, planning, testing, general studies, or feasibility services.

SEC. 4. Section 25207 is added to the Education Code, to read:

25207. The trustees may enter into service contracts. Such contracts shall be subject only to Section 25330 and to such other provisions of this chapter, if any, as the trustees may from time to time designate as applicable.

CHAPTER 1352

An act to amend Sections 154, 227, 261, 262, 263.5, 886, and 887.1 of, and to amend the headings of Chapter 1.5 (commencing with Section 227) of Division 1 and Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of, the Streets and Highways Code, relating to scenic highways.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 154 of the Streets and Highways Code is amended to read:

154. The department shall encourage the construction and development by counties of portions of the county highways as official county scenic highways and may furnish to the counties any information or other assistance which will aid the counties in the construction or development of such scenic highways.

Whenever the department, with the advice of the Scenic Highway Advisory Committee, determines that any county highway meets the minimum standards prescribed by the department for official scenic highways, including the concept of the "complete highway," as described in Section 261, it may authorize the county in which the highway is located to designate the highway as an official county scenic highway and the department shall so indicate the highway in publications of the department and in any maps which are prepared by the department for distribution to the public which show the highway.

If the department, with the advice of the Scenic Highway Advisory Committee, determines that any county highway which has been designated as an official county scenic highway

no longer meets the minimum standards prescribed by the department for official scenic highways, it may, after notice to the county and a hearing on the matter, if requested by the county, revoke the authority of the county to designate the highway as an official county scenic highway.

SEC. 2. The heading of Chapter 1.5 (commencing with Section 227) of Division 1 of the Streets and Highways Code is amended to read:

CHAPTER 1.5. SCENIC HIGHWAY ADVISORY COMMITTEE

SEC. 3. Section 227 of the Streets and Highways Code is amended to read:

227. Scenic Highway Advisory Committee, hereafter referred to in this chapter as the advisory committee, is hereby created. The advisory committee shall consist of seven members appointed by the Governor from among officials of cities and counties, persons having special competence in the field of landscape architecture as it relates to scenic conservation and others interested in highways, land planning, and park problems.

Appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of a term shall be filled by appointment for the unexpired term.

SEC. 4. The heading of Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code is amended to read:

Article 2.5. State Scenic Highways

SEC. 5. Section 261 of the Streets and Highways Code is amended to read:

261. The department shall, with the advice of the Scenic Highway Advisory Committee, establish and apply pertinent planning and design standards for development of official scenic highways.

In establishing and applying such standards for, and undertaking the development of, official scenic highways, the department shall take into consideration the concept of the "complete highway," which is a highway which incorporates not only safety, utility, and economy but also beauty. The department shall also take into consideration in establishing such standards that, in a "complete highway," pleasing appearance is a consideration in the planning and design process. In the development of official scenic highways, the department shall give special attention both to the impact of the highway on the landscape and to the highway's visual appearance. The standards for official scenic highways shall also require that local governmental agencies have taken such action as may be necessary to protect the scenic appearance of the scenic corridor, the band of land generally adjacent to the highway

right-of-way, including, but not limited to (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment.

SEC. 6. Section 262 of the Streets and Highways Code is amended to read:

262. Whenever the department determines that the corridor protection program for any state highway in the state scenic highway system established by this article has been implemented by local governmental agencies and a plan and program has been developed by the department for bringing such highway up to the standards for official scenic highways established by the department, including the concept of the "complete highway," as described in Section 261, the department shall designate the highway as an official state scenic highway and shall so indicate the highway in any publications of the department or in any maps which are issued by the department to the public.

The department shall cause appropriate signs to be placed and maintained along the portions of the state scenic highway system which the department has designated as official state scenic highways that indicate that the highways are official state scenic highways.

If at any time the department, with the advice of the Scenic Highway Advisory Committee, determines that the corridor protection program of local governmental agencies with respect to any highway which has been designated as an official state scenic highway no longer adequately carries out responsibility of the local governmental agencies for the protection of the scenic corridor, it may revoke the designation of the highway as an official state scenic highway and remove the signs which so indicate the highway.

SEC. 7. Section 263.5 of the Streets and Highways Code is amended to read:

263.5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 61 in Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

SEC. 8. Section 886 of the Streets and Highways Code is amended to read:

886. The Department of Parks and Recreation shall report to the Legislature, upon the advice of the Scenic Highway Advisory Committee, its recommendations concerning potential parkway routes that might be established by the Legislature as part of the state parkway system.

SEC. 9. Section 887.1 of the Streets and Highways Code is amended to read:

887.1. The design for such a roadway shall be submitted to the Department of Parks and Recreation and to the Scenic Highway Advisory Committee, and upon their joint approval such a roadway shall be constructed by the Department of Public Works in accordance with the approved design.

SEC. 10. Section 263.5 of the Streets and Highways Code is amended to read:

263.5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 to Route 78.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 61 in Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

SEC. 11. Section 263.5 of the Streets and Highways Code is amended to read:

263.5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 580 near Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

SEC. 12. Section 263.5 of the Streets and Highways Code is amended to read:

263.5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 to Route 78.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 580 near Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

SEC. 13. It is the intent of the Legislature, if amendments to Section 263.5 of the Streets and Highways Code proposed by both Section 7 of this bill and S.B. 174 are enacted, that both amendments be given effect and incorporated in Section 263.5 in the form set forth in Section 10 of this act. Therefore, in the event S.B. 174 is enacted and amends Section 263.5, Section 10 of this act shall become operative at the same time that Section 263.5 as amended by S.B. 174 becomes operative, and at that time, Section 263.5 of the Streets and Highways Code as amended by Sections 7, 11, and 12 of this act is repealed.

SEC. 14. It is the intent of the Legislature, if amendments to Section 263.5 of the Streets and Highways Code proposed by both Section 7 of this bill and A.B. 1345 are enacted, that both amendments be given effect and incorporated in Section 263.5 in the form set forth in Section 11 of this act. Therefore, in the event A.B. 1345 is enacted and amends Section 263.5, Section 11 of this act shall become operative at the same time that Section 263.5 as amended by A.B. 1345 becomes operative, and at that time, Section 263.5 of the Streets and Highways Code as amended by Sections 7, 10, and 12 of this act is repealed.

SEC. 15. It is the intent of the Legislature, if amendments to Section 263.5 of the Streets and Highways Code proposed by Section 7 of this bill, A.B. 1345, and S.B. 174 are enacted, that all three amendments be given effect and incorporated in Section 263 5 in the form set forth in Section 12 of this act. Therefore, in the event A.B. 1345 and S.B. 174 are enacted and amend Section 263.5, Section 12 of this act shall become operative at the same time that Section 263.5 as amended by A.B. 1345 and S.B. 174 becomes operative, and at that time, Section 263.5 of the Streets and Highways Code as amended by Sections 7, 10, and 11 of this act is repealed.

CHAPTER 1353

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorists.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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, prior to or subsequent to the issuance or renewal of a policy, 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.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(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.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(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 endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) 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) Whenever 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.

(g) 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.

(h) 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. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(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.

(i) 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.

SEC. 2. 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, prior to or subsequent to the issuance or renewal of a policy, 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 house-

hold 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.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(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.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(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 endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) 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. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. 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) Whenever 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.

(g) 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.

(h) 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. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(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.

(i) 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.

SEC. 3. 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, prior to or subsequent to the issuance or renewal of a policy, 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.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year

of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(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.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(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 endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) 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) Whenever 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.

(g) 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.

(h) 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. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(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.

(i) 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.

(j) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

SEC. 4. 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, prior to or subsequent to the issuance or renewal of a policy, 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.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its insured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(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.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(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 endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) 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. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. 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) Whenever 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.

(g) 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.

(h) 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. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(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.

(i) 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.

(j) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

SEC. 5. Except as otherwise provided in Section 7, it is the intent of the Legislature, if amendments to Section 11580.2 of the Insurance Code proposed by both this bill and A.B. 1398 are enacted, that both amendments be given effect and incorporated in Section 11580.2 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 1398 is enacted and amends Section 11580.2, Section 2 of this act shall become operative at the same time that Section 11580.2 as amended by A.B. 1398 becomes operative, and at that time, Section 11580.2 of the Insurance Code as amended by Section 1 of this act is repealed.

SEC. 6. Except as otherwise provided in Section 7, it is the intent of the Legislature, if amendments to Section 11580.2 of the Insurance Code proposed by both this bill and S.B. 643

are enacted, that both amendments be given effect and incorporated in Section 11580.2 in the form set forth in Section 3 of this act. Therefore, in the event S.B. 643 is enacted and amends Section 11580.2, Section 3 of this act shall become operative at the same time that Section 11580.2 as amended by S.B. 643 becomes operative, and at that time, Section 11580.2 of the Insurance Code as amended by Section 1 of this act is repealed.

SEC. 7. It is the intent of the Legislature, if amendments to Section 11580.2 of the Insurance Code proposed by both this bill and A.B. 1398 and S.B. 643 are enacted, that all three amendments be given effect and incorporated in Section 11580.2 in the form set forth in Section 4 of this act. Therefore, in the event A.B. 1398 and S.B. 643 are enacted and amend Section 11580.2, Section 4 of this act shall become operative at the same time that Section 11580.2 as amended by A.B. 1398 and S.B. 643 becomes operative, and at that time, Section 11580.2 of the Insurance Code as amended by Sections 1, 2, and 3 of this act is repealed.

CHAPTER 1354

An act to amend Sections 681, 681.4, 682.2, and 682.8 of, and to add Section 663.7 to, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 663.7 is added to the Harbors and Navigation Code, to read:

663.7. (a) Each county of the state is entitled to receive state financial aid for boating safety and enforcement programs on waters under its jurisdiction as provided in this section. A boating safety and enforcement program as used in this section includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.

(b) An entity other than a county is entitled to receive aid for boating safety and enforcement programs on waters under its jurisdiction through the county in which it lies, and such aid shall be counted as aid to such county; except that aid for boating safety and enforcement programs of the Department of Parks and Recreation for waters under its jurisdiction shall not be counted as aid to a county.

(c) The amount of aid for which a county or other entity or agency is eligible under this chapter shall not exceed the total cost of its boating safety and enforcement program needs, less the moneys derived from personal property taxes on boats

and fees charged for boating activities, as determined in accordance with a formula prescribed by the department. The department's formula shall specify the number of square miles of boating waters and the amount of boat use which will require one safety patrol unit and shall express such unit in terms of its cost.

(d) Aid for boating safety and enforcement programs shall be made available to the Department of Parks and Recreation for waters under its jurisdiction in accordance with this section. In keeping with the formula provided for in subdivision (c) of this section, the department shall reimburse the Department of Parks and Recreation for the actual cost of its boating safety and enforcement programs conducted during the period from January 1, 1970, to June 30, 1970; provided, that the total amount of such aid shall not exceed the sum of fifty thousand dollars ($50,000).

(e) Entities or agencies desiring aid under the provisions of this section shall submit applications to the department at least six months prior to the period for which aid is required. Applications shall be in such form and contain such information as the department may require.

(f) Within 90 days after the close of any period for which aid is received, the entity or agency shall submit to the department a statement of the expenditures actually incurred, in such form and containing such information as the department may require.

(g) The department shall be responsible for the administration of the provisions of this section, and may adopt such rules and regulations as may be necessary to carry out its provisions. The department shall make periodic evaluations of the effectiveness of programs receiving aid under this section.

SEC. 2. Section 681 of the Harbors and Navigation Code is amended to read:

681. The owner of each vessel requiring numbering by this state shall file an initial application for number with the department at its Sacramento office or an agent authorized by the department on forms approved by the commission. The application shall contain the name and address of the owner, and of the legal owner if any, and the builder's hull number or any hull number of the vessel as may be required by the department. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of five dollars ($5); except that initial application for numbers made during 1971 shall be accompanied by a fee of four dollars ($4). Upon receipt of the application in approved form, the department shall issue a certificate of ownership to the legal owner and a certificate of number to the owner, or both to the owner if there is no legal owner, stating the number issued to the vessel and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as may be pre-

scribed by rules and regulations of the commission in order that it may be clearly visible. The number shall be maintained in a legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation. The department may issue one or more stickers, tabs or other suitable devices to identify vessels as being currently registered. The size, shape, and color of such sticker, tab, or other device and the positioning of such on the vessel shall be as determined by the commission.

SEC. 3. Section 681.4 of the Harbors and Navigation Code is amended to read:

681.4. If the ownership of an undocumented vessel changes, the existing certificate of ownership and a new application form accompanied by a fee of five dollars ($5) shall be filed with the department and a new certificate of ownership and a new certificate of number shall be issued in the same manner as provided for in the initial issuance of number and the number shall be reassigned to the new owner.

SEC. 4. Section 682.2 of the Harbors and Navigation Code is amended to read:

682.2. Certificates of number shall be renewed by the owner between January 1, 1969, and February 4, 1969, between January 1, 1972, and February 4, 1972, and between January 1 and February 4 every year thereafter, by presentation of the certificate of number last issued for the vessel or by presentation of a potential registration card issued by the department. The fee for renewal shall be three dollars ($3) up to December 31, 1971, and two dollars ($2) per year thereafter and shall accompany the request for such renewal.

SEC. 5. Section 682.8 of the Harbors and Navigation Code is amended to read:

682.8. (a) Except as provided in subdivision (b) of this section, all fees received, other than moneys collected under Section 685.2, pursuant to this chapter shall be deposited in the Harbors and Watercraft Revolving Fund and are appropriated for the administration of this article. The Department of Harbors and Watercraft shall reimburse the Department of Motor Vehicles for its actual expenses incurred in functioning as an agent of the Department of Harbors and Watercraft pursuant to Section 681.9. Any money in the fund which is not expended for the administration of this article shall be expended in accordance with Section 85.2 of this code.

(b) All money derived from the increase in fees required pursuant to this chapter by the amendment of Sections 681, 681.4, 682.2, and 682.8 enacted at the 1969 Regular Session of the Legislature shall be deposited in the Harbors and Watercraft Revolving Fund and is continuously appropriated for support of local boating safety and enforcement programs as provided in Section 663.7 of this code.

SEC. 6. The Department of Harbors and Watercraft shall conduct a study of the feasibility of placing with the several counties and other local governmental agencies the full responsibility of patrolling waterways presently being patrolled by the Department of Parks and Recreation and conducting law enforcement operations thereon. The department shall report the results of the study to the Legislature on or before February 1, 1970.

CHAPTER 1355

An act to amend Section 62492 of, and to add Sections 62707.2 and 62707.3 to, the Agricultural Code, and to repeal Section 58656 of the Agricultural Code as proposed by Assembly Bill No. 289, relating to marketing of milk.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 58656 of the Agricultural Code, as proposed to be added by Assembly Bill No. 289, is repealed.

SEC. 2. Section 62492 of the Agricultural Code 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 there is in effect in such marketing area a marketing order, applicable to fluid milk, issued under the provisions of the California Marketing Act of 1937 (Chapter 1 (commencing with Section 58601) of Part 2 of Division 21) or 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. In the event the production of fluid milk in such marketing area is subject to a marketing order issued under the California Marketing Act of 1937, the cost of raw product as provided in subdivision (d) of Section 62479 shall be the prices established by the director or prevailing in such area for fluid milk purchased by distributors from producers.

SEC. 3. Section 1 of this act shall become operative only if Assembly Bill No. 289 is enacted by the Legislature at the 1969 Regular Session.

CHAPTER 1356

An act to add Sections 13066 and 13951 to the Water Code, relating to the disposition of sewage in the Lake Tahoe watershed, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 13066 is added to the Water Code, to read:

13066. Notwithstanding any other provision of law, on or after January 1, 1972, all sewage or other waste from within the Lake Tahoe watershed shall be placed only into a sewer system and treatment facilities sufficient to handle and treat any such sewage or waste and transportation facilities sufficient to transport any resultant sewage effluent outside the Lake Tahoe watershed, except that such sewage or other waste may be placed in a holding tank which is pumped and transported to such treatment and transportation facilities.

As used in this section "other waste" shall not include solid waste refuse.

The further maintenance or use of cesspools, septic tanks, or other means of sewage or other waste disposal in the Lake Tahoe watershed on or after January 1, 1972, by any person, except as permitted pursuant to this section, is a public nuisance. The occupancy of any building from which sewage or other waste is discharged in violation of this section is a public nuisance, and an action may be brought to enjoin any person from occupying any such building.

This section shall not be applicable to a particular area of the Lake Tahoe watershed whenever the regional board for

the Lahontan region finds that the continued operation of septic tanks, cesspools, or other means of waste disposal in such area will not, individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe and that the sewering of such area would have a damaging effect upon the environment.

This section shall not affect the applicability of Section 13065.

SEC. 2. Notwithstanding the provisions of Article 3 (commencing with Section 13125) of Chapter 5 of Division 7 of the Water Code, or any other provision of law, the Tahoe City Public Utility District may enter into a contract with the State Water Resources Control Board during the 1969–1970 fiscal year for a construction loan under Chapter 5 (commencing with Section 13100) of Division 7 of the Water Code in an amount not to exceed two million dollars ($2,000,000) and shall not be required to hold any election on the proposition of whether or not the district shall enter into such contract.

SEC. 3. The sum of five hundred thousand dollars ($500,000) is hereby appropriated from the State Water Quality Control Fund, from money deposited therein pursuant to Section 12.2 of Chapter 138, Statutes of 1964, First Extraordinary Session, to the State Water Resources Control Board for expenditure, without regard to fiscal years, for a loan to the North Tahoe Public Utility District of such amounts as the board determines is necessary, together with other funds available for such purpose to permit such district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by such district. The provisions of Sections 13125 and 13126 of the Water Code shall not apply to any loan made pursuant to this section.

SEC. 4. No part of the appropriation made by this act shall be available for loan to the North Tahoe Public Utility District unless the North Tahoe Public Utility District executes an agreement with the State Water Resources Control Board under which it 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.

SEC. 5. The State Water Resources Control Board shall require the procedure, forms, and the submission of any information from the North Tahoe Public Utility District it may deem necessary or appropriate.

SEC. 6. 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.

SEC. 7. This act, applicable only to the watershed of Lake Tahoe, is necessary to meet the unique problems of water quality control presented by the population growth and development of the area in relation to Lake Tahoe's geographic location and the necessity to export any waste produced in the area out of the Lake Tahoe Basin. Section 2 of this act, which is applicable only to the Tahoe City Public Utility District, is necessary to permit a state loan to be made to the district for the construction with the least possible delay of facilities necessary to make possible the transportation of such waste out of the Lake Tahoe Basin.

SEC. 8. Section 13951 is added to the Water Code, to read:

13951. Notwithstanding any other provision of law, on or after January 1, 1972, waste from within the Lake Tahoe watershed shall be placed only into a sewer system and treatment facilities sufficient to handle and treat any such waste and transportation facilities sufficient to transport any resultant effluent outside the Lake Tahoe watershed, except that such waste may be placed in a holding tank which is pumped and transported to such treatment and transportation facilities.

As used in this section "waste" shall not include solid waste refuse.

The further maintenance or use of cesspools, septic tanks, or other means of waste disposal in the Lake Tahoe watershed on or after January 1, 1972, by any person, except as permitted pursuant to this section, is a public nuisance. The occupancy of any building from which waste is discharged in violation of this section is a public nuisance, and an action may be brought to enjoin any person from occupying any such building.

This section shall not be applicable to a particular area of the Lake Tahoe watershed whenever the regional board for the Lahontan region finds that the continued operation of septic tanks, cesspools, or other means of waste disposal in such area will not, individually or collectively, directly or indirectly, affect the quality of the waters of Lake Tahoe and that the sewering of such area would have a damaging effect upon the environment.

This section shall not affect the applicability of Section 13950.

SEC. 9. Section 8 of this act shall become operative only if Division 7 of the Water Code, as proposed by Assembly Bill No. 413, is enacted by the Legislature at its 1969 Regular

Session and in such case at the same time as Assembly Bill No. 413 becomes operative, and at that time, Section 13066 of the Water Code as added by Section 1 of this act is repealed.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to insure the construction by the Tahoe City Public Utility District with the least possible delay of facilities necessary to make possible the transportation of waste out of the Lake Tahoe Basin it is necessary that the Tahoe City Public Utility District immediately enter into a contract for a construction loan. In order to permit the district to immediately enter into such a contract it is necessary that this act go into immediate effect.

CHAPTER 1357

An act to amend Section 1324 of the Penal Code, relating to criminal investigations.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 1324 of the Penal Code is amended to read:

1324. (a) In any felony proceeding, in any investigation or proceeding before a grand jury for any felony offense, or in any investigation of a criminal organization or organized crime and its activities conducted by the Attorney General, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, and if the district attorney of the county or the Attorney General in writing requests the superior court for that county to order that person to answer the question or produce the evidence, a judge of the superior court shall set a time for hearing and order the person to appear before the court and show cause, if any, why the question should not be answered or the evidence produced, and the court shall order the question answered or the evidence produced unless it finds that to do so would be clearly contrary to the public interest, or could subject the witness to a criminal prosecution in another jurisdiction, and that person shall comply with the order. After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, that person shall not be prosecuted or subjected to penalty or forfeiture for or on account of any fact or act concerning which, in accordance with the order, he was required to answer or produce evidence. But he may never-

theless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering, or failing to answer, or in producing, or failing to produce, evidence in accordance with the order.

(b) As used in this section, "criminal organization" means the formation into a functioning whole of a group of people unified for the purpose of performing together, through planning and coordination of individual effort, continuing activities, a substantial portion of which activities are illegal. Indicative that a group of persons constitutes a criminal organization are the following important, though not indispensable, factors: the continuation of activity by the organization, though its personnel may change, and the formation of lines of authority in which responsibility is delegated and duties are assigned.

(c) As used in this section, "organized crime" means criminal organizations and their activities.

SEC. 2. The Attorney General shall report to the Legislature not later than the fifth legislative day of the 1972 Regular Session of the Legislature the use and effect of the procedure established pursuant to the amendment of Section 1324 of the Penal Code enacted at the 1969 Regular Session of the Legislature.

SEC. 3. The amendment of Section 1324 of the Penal Code enacted by Section 1 of this act shall remain in effect until the 91st day after the final adjournment of the 1972 Regular Session of the Legislature and shall have no force or effect after that date. Thereafter, Section 1324 of the Penal Code shall read as it did immediately prior to the effective date of this act.

CHAPTER 1358

An act making an appropriation for the purpose of a loan to the City of Crescent City pursuant to the Community Redevelopment Financial Assistance and Disaster Project Law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. There is hereby appropriated from the General Fund one hundred fifty thousand dollars ($150,000) to the State Allocation Board for the purpose of a loan to the City of Crescent City pursuant to the Community Redevelopment Financial Assistance and Disaster Project Law, Part 1.5 (commencing with Section 34000) of Division 24 of the Health and Safety Code, and Section 3 of Chapter 69 of the Statutes of 1964, and for the purpose of completing any project undertaken pursuant to such provisions. The loan shall

be repaid out of proceeds of the sale of property by the city for redevelopment purposes or out of any other funds available to the city.

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 City of Crescent City is in the process of completing the redevelopment project undertaken after the disastrous tidal wave of March 24, 1964. The most expeditious means of closing out the project requires the immediate acquisition and resale of several parcels of property by the city. If this acquisition is undertaken immediately it will result in substantial savings in project cost for the federal, state, and local government bodies involved in the project. The loan to the city made possible by this act is necessary for the immediate acquisition of the property in question and the expeditious and economical completion of the redevelopment project.

CHAPTER 1359

An act to amend Section 1257 of, and to add Section 10505.5 to, the Water Code, relating to the appropriation of water.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 1257 of the Water Code is amended to read:

1257. In acting upon applications to appropriate water, the State Water Resources Control Board shall consider the relative benefit to be derived from all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation and enhancement of fish and wildlife, recreational, mining and power purposes, and may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

SEC. 2. Section 1257 of the Water Code is amended to read:

1257. In acting upon applications to appropriate water, the board shall consider the relative benefit to be derived from all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation and enhancement of fish and wildlife, recreational, mining and power purposes, and any uses specified to be protected in any relevant water quality control plan, and

may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

SEC. 3. Section 10505.5 is added to the Water Code, to read:

10505.5. Every application heretofore or hereafter made and filed pursuant to Section 10500, and held by the State Water Resources Control Board, shall be amended to provide, and any permit hereafter issued pursuant to such an application, and any license issued pursuant to such a permit, shall provide, that the application, permit, or license shall not authorize the use of any water outside of the county of origin which is necessary for the development of the county.

SEC. 4. It is the intent of the Legislature, if amendments to Section 1257 of the Water Code proposed by both this bill and A.B. 413 are enacted, that both amendments be given effect and incorporated in Section 1257 in the form set forth in Section 2 of this act. Therefore, in the event A.B. 413 is enacted and amends Section 1257, Section 2 of this act shall become operative at the same time that Section 1257 as amended by A.B. 413 becomes operative, and at that time, Section 1257 of the Water Code as amended by Section 1 of this act is repealed.

CHAPTER 1360

An act to amend Sections 3070, 3074, 3074.5, and 3093 of the Labor Code, relating to apprenticeship.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint an Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education and the Chancellor of the California Community Colleges, or his permanent and best-qualified designee, shall also be members of the Apprenticeship Council. The chairman shall be elected by vote of the Apprenticeship Council. The terms of office of the members of the Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers

and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty dollars ($20) for each day of his actual attendance at meetings of the council, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: one additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 2. Section 3074 of the Labor Code is amended to read:

3074. The preparation of trade analyses and outlines of instruction, and the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education.

The Department of Education and the Board of Governors of the California Community Colleges may provide related and supplemental instruction to isolated apprentices as a direct instructional service, on a contractual basis with local school districts, by correspondence, or by a combination of these means. For the purpose of this section, an isolated apprentice is an apprentice registered with the Division of Apprenticeship Standards in the Department of Industrial Relations who cannot be enrolled in a class of related and supplementary instruction for apprentices because of the small number of apprentices available for an appropriate class or because there is no existing apprenticeship program within a reasonable travel distance.

SEC. 3. Section 3074.5 of the Labor Code is amended to read:

3074.5. The Bureau of Industrial Education of the Department of Education and the Board of Governors of the California Community Colleges 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 five but not more than 15.

SEC. 4. Section 3093 of the Labor Code is amended to read:

3093. (a) The provisions of this section will apply only when voluntarily requested by the parties to a collective bar-

gaining agreement or by an employer, his association, or a union, or its representative where there is no collective bargaining agreement.

(b) Nothing in this section may be construed in any way so as to compel, regulate, interfere with, or duplicate the provisions of any established training programs which are operated under the terms of any collective bargaining agreements or unilaterally by any employer or bona fide labor union.

(c) Services contemplated under this section may be provided only when voluntarily requested and shall be denied when it is found that existing prevailing conditions in the area and industry would in any way be lowered or adversely affected.

(d) The California Apprenticeship Council in cooperation with the Departments of Education and Employment and the Board of Governors of the California Community Colleges may foster and promote on-the-job training programs other than apprenticeship as follows: (1) programs for journeymen in the apprenticeable occupations to keep them abreast of current techniques, methods and materials and opportunities for advancement in their industries; (2) programs in other than apprenticeable occupations for workers entering the labor market for the first time or workers entering new occupations by reason of having been displaced from former occupations by reason of economic, industrial, technological scientific changes or developments; (3) such programs shall be in accord with and agreed to by the parties to any applicable collective bargaining agreements and where appropriate will include joint employer-employee cooperation in the programs.

(e) The Division of Apprenticeship Standards when requested may foster and promote voluntary on-the-job training programs in accordance with this section, and assist employers, employees and other interested persons and agencies in the development and carrying out of such programs. The Division of Apprenticeship Standards shall cooperate in these functions with the Departments of Education and Employment and the Board of Governors of the California Community Colleges and other governmental agencies. The Division of Apprenticeship Standards may cooperate with the Departments of Corrections and Youth Authority in the development of training programs for inmates and releasees of correctional institutions.

(f) The programs, where appropriate, may include related and supplemental classroom instruction offered and administered by state and local boards responsible for vocational education.

(g) The activities and services of the Division of Apprenticeship Standards in training programs under this section shall be performed without curtailing or in any way interfering with the division's activities and services in apprenticeship.

(h) The Division of Apprenticeship Standards may contract with, and receive reimbursements from, appropriate federal, state and other governmental agencies.

(i) The vocational education activities and services of the Department of Education, the Board of Governors of the California Community Colleges, and local public school districts shall not be abridged or abrogated through implementation of this section.

(j) "On-the-job training" as used in this section refers exclusively to training confined to the needs of a specific occupation and conducted at the jobsite for employed workers.

(k) The term journeyman, as used in this section, means a person who has either (1) completed an accredited apprenticeship in his craft, or (2) who has completed the equivalent of an apprenticeship in length and content of work experience and all other requirements in the apprenticeship standards for the craft which has workers classified as journeymen in an apprenticeable occupation.

(*l*) Nothing in this section shall be construed to require prior approval, ratification, or reference of any training program to the Division of Apprenticeship Standards or the Department of Industrial Relations.

SEC. 5. Section 3070 of the Labor Code is amended to read:

3070. The Governor shall appoint a California Apprenticeship Council, composed of six representatives each from employer and employee organizations, respectively, geographically selected, and of two representatives of the general public. The Director of Industrial Relations and the state official who is in charge of trade and industrial education under authority of the State Board of Education and the Chancellor of the California Community Colleges, or his permanent and best qualified designee, shall also be members of the California Apprenticeship Council. The chairman shall be elected by vote of the California Apprenticeship Council. The terms of office of the members of the California Apprenticeship Council first appointed shall expire as designated by the Governor at the time of making the appointment: Two representatives each of employers, employees, and the public representative shall serve until January 15, 1941. Two representatives each of the employers and employees shall serve until January 15, 1942. Thereafter each member shall serve for a term of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term. Each member of the council shall receive the sum of twenty-five dollars ($25) for each day of his actual attendance at meetings of the council, for each day of his actual attendance at hearings by the council or a committee thereof pursuant to Section 3082, and for each day of his actual attendance at meetings of other committees established by the council and approved by the Director of

Industrial Relations, together with his actual and necessary traveling expenses incurred in connection therewith.

The terms of the five additional members provided by the amendment of this section at the 1955 Regular Session shall expire, as designated by the Governor at the time of making the appointment, as follows: One additional representative each of employers, employees, and the additional public representative shall serve until January 15, 1957; and one additional representative each of employers and employees shall serve until January 15, 1958.

SEC. 6. It is the intent of the Legislature, if amendments to Section 3070 of the Labor Code, proposed by this bill and Assembly Bill No. 340 and Assembly Bill No. 745 are enacted, that all the amendments be given effect and incorporated in Section 3070 in the form set forth in Section 5 of this act. Therefore, in the event Assembly Bill No. 340 and Assembly Bill No. 745 are enacted and amend Section 3070, Section 5 of this act shall become operative at the same time that Section 3070 as amended by Assembly Bill No. 340 and Assembly Bill No. 745 becomes operative, and at that time, Section 3070 of the Labor Code as amended by Section 1 of this act is repealed.

CHAPTER 1361

An act to add Chapter 13 (commencing with Section 25970) to Division 20 of the Health and Safety Code, relating to minors.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Chapter 13 (commencing with Section 25970) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 13. MINORS CROSSING THE MEXICAN BORDER

25970. A peace officer of any city or county shall prevent the entry from California into the Republic of Mexico at the border by any resident of this state under the age of 18 years who is unaccompanied by a parent or guardian or who does not have written consent for such entry from a parent or guardian or who does not have a passport. The authority of the peace officer under this chapter shall be only to prevent entry and not otherwise to detain. Nothing in this chapter shall be construed to limit the authority of a peace officer under any other section of the law of this state.

CHAPTER 1362

An act to amend Section 3060 of, and to add Title 15 (commencing with Section 3082) to Part 4 of Division 3 of, the Civil Code, to amend Sections 710a and 1203.61 of, and to repeal Chapter 2 (commencing with Section 1181) of Title 4 of Part 3 of, the Code of Civil Procedure, to repeal Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code, to amend Section 5463 of the Health and Safety Code, and to amend Sections 5294 and 10509 of the Streets and Highways Code, relating to works of improvement.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 3060 of the Civil Code is amended to read:

3060. Any person who performs labor in any mining claim or claims, or in or upon any real property worked as a mine, either in the development thereof or in working thereon by the subtractive process, or furnishes materials to be used or consumed therein, has a lien upon the same and the works owned and used by the owners for milling or reducing the ores from the same, for the value of the work or labor done or materials furnished by each respectively, whether done or furnished at the instance of the owner of such mining claim or claims or real property worked as a mine, or his agent, and every contractor, subcontractor, superintendent, or other person having charge of any mining or work or labor performed in and about such mining claim or claims or real property worked as a mine, either as lessee or under a working bond or contract thereon shall be held to be the agent of the owner for the purposes of this section. The liens provided for by this section shall be enforced in the same manner as those provided for by Title 15 (commencing with Section 3082), Part 4, Division 3.

SEC. 2. Title 15 (commencing with Section 3082) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 15. WORKS OF IMPROVEMENT

CHAPTER 1. GENERAL DEFINITIONS

3082. Unless the context otherwise requires, the provisions in this chapter govern the construction of this title.

3083. "Bonded stop notice" means a stop notice, given to any construction lender, accompanied by a bond with good and sufficient sureties in a penal sum equal to 1¼ times the amount of such claim conditioned that if the defendant recovers judgment in an action brought on such verified claim

or on the lien filed by the claimant, the claimant will pay all costs that may be awarded against the owner, original contractor, construction lender, or any of them, and all damages that such owner, original contractor, or construction lender 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 bond. To be effective such bonded stop notice shall be delivered to the manager or other responsible officer or person at the office of the construction lender or must be sent to such office by registered or certified mail. If such notice is delivered or sent to any institution or organization maintaining branch offices, it shall not be effective unless delivered or sent to the office or branch administering or holding such construction funds.

3084. "Claim of lien" means a written statement, signed and verified by the claimant or by his agent, containing all of the following:

(a) A statement of his demand after deducting all just credits and offsets.

(b) The name of the owner or reputed owner, if known.

(c) A general statement of the kind of labor, services, equipment, or materials furnished by him.

(d) The name of the person by whom he was employed or to whom he furnished the labor, services, equipment, or materials.

(e) A description of the site sufficient for identification.

3085. "Claimant" means any person entitled under this title to record a claim of lien, to give a stop notice in connection with any work of improvement, or to recover on any payment bond, or any combination of the foregoing.

3086. "Completion" means, in the case of any work of improvement other than a public work, actual completion of the work of improvement. Any of the following shall be deemed equivalent to a completion:

(a) The occupation or use of a work of improvement by the owner, or his agent, accompanied by cessation of labor thereon.

(b) The acceptance by the owner, or his agent, of the work of improvement.

(c) After the commencement of a work of improvement, a cessation of labor thereon for a continuous period of 60 days, or a cessation of labor thereon for a continuous period of 30 days or more if the owner files for record a notice of cessation.

If the work of improvement is subject to acceptance by any public entity, the completion of such work of improvement shall be deemed to be the date of such acceptance; provided, however, that, except as to contracts awarded under the State Contract Act, Chapter 3 (commencing with Section 14250), Part 5, Division 3, Title 2 of the Government Code, a cessation of labor on any public work for a continuous period of 30 days shall be a completion thereof.

3087. "Construction lender" means any mortgagee or beneficiary under a deed of trust lending funds with which the cost of the work of improvement is, wholly or in part, to be defrayed, or any assignee or successor in interest of either, or 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.

3088. "Contract" means an agreement between an owner and any original contractor providing for the work of improvement or any part thereof.

3089. "Laborer" means any person who, acting as an employee, performs labor upon or bestows skill or other necessary services on any work of improvement.

3090. "Materialman" means any person who furnishes materials or supplies to be used or consumed in any work of improvement.

3091. "Ninety-day public works preliminary bond notice" means a notice which must be given by any claimant other than one of the following:

(a) A claimant who performs actual labor for wages.

(b) A claimant who has a direct contractual relationship with the original contractor.

The notice is required only on public works, and is a necessary prerequisite to enforcement of a claim on a payment bond. The notice shall be in writing and shall state with substantial accuracy the amount claimed, and the name of the party to whom the claimant furnished labor, services, equipment, or materials. The notice shall be given within 90 days from the date on which the claimant furnished the last labor, services, equipment, or materials for which such claim is made.

The notice shall be served by mailing the same by registered or certified mail, postage prepaid, in an envelope addressed to the original contractor at any place he maintains an office, or conducts his business, or his residence, or by personal service.

3092. "Notice of cessation" means a written notice, signed and verified by the owner or his agent, containing all of the following:

(a) The date on or about when the cessation of labor commenced.

(b) A statement that such cessation has continued until the recording of the notice of cessation.

(c) The name and address of the owner.

(d) The nature of the interest or estate of the owner.

(e) A description of the site sufficient for identification, containing the street address of the site, if any. If a sufficient legal description of the site is given, the validity of the notice shall not, however, be affected by the fact that the street address is erroneous or is omitted.

(f) The name of the original contractor, if any, for the work of improvement as a whole.

(g) For the purpose of this section, "owner" means the owner who causes a building, improvement, or structure, to be constructed, altered, or repaired (or his successor in interest at the date of a notice of cessation from labor is filed for record) whether the interest or estate of such owner be in fee, as vendee under a contract of purchase, as lessee, or other interest or estate less than the fee. Where such interest or estate is held by two or more persons as joint tenants or tenants in common, any one or more of the cotenants may be deemed to be the "owner" within the meaning of this section. Any notice of cessation signed by less than all of such cotenants shall recite the names and addresses of all such cotenants.

The notice of cessation shall be recorded in the office of the county recorder of the county in which the site is located and shall be effective only if there has been a continuous cessation of labor for at least 30 days prior to such recording.

3093. "Notice of completion" means a written notice, signed and verified by the owner or his agent, containing all of the following:

(a) The date of completion (other than a cessation of labor). The recital of an erroneous date of completion shall not, however, affect the validity of the notice if the true date of completion is within 10 days preceding the date of recording of such notice.

(b) The name and address of the owner.

(c) The nature of the interest or estate of the owner.

(d) A description of the site sufficient for identification, containing the street address of the site, if any. If a sufficient legal description of the site is given, the validity of the notice shall not, however, be affected by the fact that the street address recited is erroneous or that such street address is omitted.

(e) The name of the original contractor, if any, or if the notice is given only of completion of a contract for a particular portion of such work of improvement, as provided in Section 3117, then the name of the original contractor under such contract, and a general statement of the kind of work done or materials furnished pursuant to such contract.

The notice of completion shall be recorded in the office of the county recorder of the county in which the site is located, within 10 days after such completion.

If there is more than one owner, any notice of completion signed by less than all of such co-owners shall recite the names and addresses of all of such co-owners; and provided further, that any notice of completion signed by a successor in interest shall recite the names and addresses of his transferor or transferors.

For the purpose of this section, owner is defined as set forth in subdivision (g) of Section 3092.

3094. "Notice of nonresponsibility" means a written notice, signed and verified by a person owning or claiming an interest in the site who has not caused the work of improve-

ment to be performed, or his agent, containing all of the following:

(a) A description of the site sufficient for identification.

(b) The name and nature of the title or interest of the person giving the notice.

(c) The name of the purchaser under contract, if any, or lessee, if known.

(d) A statement that the person giving the notice will not be responsible for any claims arising from the work of improvement.

Within 10 days after the person claiming the benefits of nonresponsibility has obtained knowledge of the work of improvement, the notice provided for in this section shall be posted in some conspicuous place on the site. Within the same 10-day period provided for the posting of the notice, the notice shall be recorded in the office of the county recorder of the county in which the site or some part thereof is located.

3095. "Original contractor" means any contractor who has a direct contractual relationship with the owner.

3096. "Payment bond" means a bond with good and sufficient sureties which is conditioned for the payment in full of the claims of all claimants and which also by its terms is made to inure to the benefit of all claimants so as to give such persons a right of action to recover upon such bond in any suit brought to foreclose the liens provided for in this title or in a separate suit brought on such bond. Either an owner or an original contractor may be the principal upon any payment bond.

3097. "Preliminary 20-day notice (private work)" means a written notice from a claimant that is given prior to the recording of a mechanic's lien and prior to the filing of a stop notice, and is required to be given under the following circumstances:

(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 title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) shall be given not later than 20 days after the claimant has first furnished labor, service, 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, service, 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, service, equipment, or material furnished, or to be furnished, the improved property may be subject to mechanic's 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.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) with respect to architectural services furnished, or to be furnished.

(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. Such person shall, however, 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 jobsite, 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 equipment 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 contractor.

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 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation, if any, and address of the construction lender and shall keep the information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to the construction lender the notice required by this section.

3098. "Preliminary 20-day notice (public work), stop notice" means a written notice from a claimant that was given prior to the filing of a stop notice on public work, and is required to be given under the following circumstances:

(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 labor, service, equipment, or materials furnished or to be furnished, and the name of the party to whom the same was 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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.

3099. "Public entity" means the state, Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

3100. "Public work" means any work of improvement contracted for by a public entity.

3101. "Site" means the real property upon which the work of improvement is being constructed or performed.

3102. "Site improvement" means the demolishing or removing of improvements, trees, or other vegetation located thereon, or drilling test holes or the grading, filling, or

otherwise improving of any lot or tract of land or the street, highway, or sidewalk in front of or adjoining any lot or tract of land, or constructing or installing sewers or other public utilities therein, or constructing any areas, vaults, cellars, or rooms under said sidewalks or making any improvements thereon.

3103. "Stop notice" means a written notice, signed and verified by the claimant or his agent, stating in general terms all of the following:

(a) The kind of labor, services, equipment, or materials furnished or agreed to be furnished by such claimant.

(b) The name of the person to or for whom the same was done or furnished.

(c) The amount in value, as near as may be, of that already done or furnished and of the whole agreed to be done or furnished.

Such notice, in the case of any work of improvement other than a public work, shall be delivered to the owner personally or left at his residence or place of business with some person in charge, or delivered to his architect, if any, and, if the notice is served upon a construction lender, holding construction funds and maintaining branch offices, it shall not be effective as against such construction lender unless given to or served upon the manager or other responsible officer or person at the office or branch thereof administering or holding the construction funds. Such notice, in the case of any public work for the state, shall be filed with the director of the department which let the contract and, in the case of any other public work, shall be filed in the office of the controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of the contract, or with the commissioners, managers, trustees, officers, board of supervisors, board of trustees, common council, or other body by whom the contract was awarded. No such notice shall be invalid by reason of any defect in form if it is sufficient too substantially inform the owner of the information required.

Any stop notice may be served by registered or certified mail with the same effect as by personal service.

3104. "Subcontractor" means any contractor who has no direct contractual relationship with the owner.

3105. "Subdivision" means a work of improvement consisting of two or more separate residential units or two or more buildings, mining claims, or other improvements owned or reputed to be owned by the same person or on which the claimant has been employed by the same person. A separate residential unit means one residential structure, together with any garage or other improvements appurtenant thereto.

3106. "Work of improvement" includes but is not restricted to the construction, alteration, addition to, or repair, in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, rail-

road, or road, the seeding, sodding, or planting of any lot or tract of land for landscaping purposes, the filling, leveling, or grading of any lot or tract of land, the demolition of buildings, and the removal of buildings. Except as otherwise provided in this title, "work of improvement" means the entire structure or scheme of improvement as a whole.

CHAPTER 2. MECHANICS' LIENS

Article 1. Application of Chapter

3109. This chapter does not apply to any public work.

Article 2. Who Is Entitled to Lien

3110. Mechanics, materialmen, contractors, subcontractors, lessors of equipment, artisans, architects, registered engineers, licensed land surveyors, machinists, builders, teamsters, and draymen, and all persons and laborers of every class performing labor upon or bestowing skill or other necessary services on, or furnishing materials or leasing equipment to be used or consumed in or furnishing appliances, teams, or power contributing to a work of improvement shall have a lien upon the property upon which they have bestowed labor or furnished materials or appliances or leased equipment for the value of such labor done or materials furnished and for the value of the use of such appliances, equipment, teams, or power whether done or furnished at the instance of the owner or of any person acting by his authority or under him as contractor or otherwise. For the purposes of this chapter, every contractor, subcontractor, sub-subcontractor, architect, builder, or other person having charge of a work of improvement or portion thereof shall be held to be the agent of the owner.

3111. For the purposes of this chapter, an express trust fund established pursuant to a collective bargaining agreement to which payments are required to be made on account of fringe benefits supplemental to a wage agreement for the benefit of a claimant on particular real property shall have a lien on such property in the amount of the supplemental fringe benefit payments owing to it pursuant to the collective bargaining agreement.

3112. Any claimant who, at the instance or request of the owner (or any other person acting by his authority or under him, as contractor or otherwise) of any lot or tract of land, has made any site improvement has a lien upon such lot or tract of land for work done or materials furnished.

Article 3. Conditions to Enforcing a Lien

3114. A claimant shall be entitled to enforce a lien only if he has given the preliminary 20-day notice (private work)

in accordance with the provisions of Section 3097 if required by that section.

3115. Each original contractor, in order to enforce a lien, must record his claim of lien after he completes his contract and before the expiration of (a) 90 days after the completion of the work of improvement as defined in Section 3106 if no notice of completion or notice of cessation has been recorded, or (b) 60 days after recordation of a notice of completion or notice of cessation.

3116. Each claimant other than an original contractor, in order to enforce a lien, must record his claim of lien after he has ceased furnishing labor, services, equipment, or materials, and before the expiration of (a) 90 days after completion of the work of improvement if no notice of completion or cessation has been recorded, or (b) 30 days after recordation of a notice of completion or notice of cessation.

3117. Where the work of improvement is not made pursuant to one original contract for the work of improvement but is made in whole or in part pursuant to two or more original contracts, each covering a particular portion of the work of improvement, the owner may, within 10 days after completion of any such contract for a particular portion of the work of improvement, record a notice of completion. If such notice of completion be recorded, notwithstanding the provisions of Sections 3115 and 3116, the original contractor under the contract covered by such notice must, within 60 days after recording of such notice, and any claimant under such contract other than the original contractor must, within 30 days after the recording of such notice of completion, record his claim of lien. If such notice is not recorded, then the period for recording claims of lien shall be as provided for in Sections 3115 and 3116.

3118. Any person who shall willfully include in his claim of lien labor, services, equipment, or materials not furnished for the property described in such claim shall thereby forfeit his lien.

Article 4. Amount of Lien

3123. The liens provided for in this chapter shall be direct liens, and shall be for the reasonable value of the labor, services, equipment, or materials furnished or for the price agreed upon by the claimant and the person with whom he contracted, whichever is less. Such lien shall not be limited in amount by the price stated in the contract as defined in Section 3088, except as provided in Sections 3235 and 3236.

3124. In any case where the claimant was employed by a contractor or subcontractor, his claim of lien shall not extend to any labor, services, equipment, or materials not included in the contract between the owner and original contractor or any modification thereof, if the claimant had actual knowledge or constructive notice of the contract as defined in Section 3088

or any such modification before he furnished such labor, service, equipment, or materials. The filing of a contract for a work of improvement or of a modification of such contract with the county recorder of the county where the property is situated, before the commencement of work, shall be equivalent to the giving of actual notice of the provisions thereof by the owner to all persons performing work or furnishing materials thereunder.

Article 5. Property Subject to Lien

3128. The liens provided for in this chapter shall attach to the work of improvement and the land on which it is situated together with a convenient space about the same or so much as may be required for the convenient use and occupation thereof, if at the commencement of the work or of the furnishing of the materials for the same, the land belonged to the person who caused such work of improvement to be constructed, but if such person owned less than a fee simple estate in such land then only his interest therein is subject to such lien, except as provided in Section 3129.

3129. Every work of improvement constructed upon any land and all work or labor performed or materials furnished in connection therewith with the knowledge of the owner or of any person having or claiming any estate therein shall be held to have been constructed, performed, or furnished at the instance of such owner or person having or claiming any estate therein and such interest shall be subject to any lien recorded under this chapter unless such owner or person having or claiming any estate therein shall give a notice of nonresponsibility pursuant to Section 3094.

3130. In every case in which one claim is filed against two or more buildings or other works of improvement owned or reputed to be owned by the same person or on which the claimant has been employed by the same person to do his work or furnish his materials, whether such works of improvement are owned by one or more owners, the person filing such claim must at the same time designate the amount due to him on each of such works of improvement; otherwise the lien of such claim is postponed to other liens. If such claimant has been employed to furnish labor or materials under a contract providing for a lump sum to be paid to him for his work or materials on such works of improvement as a whole, and such contract does not segregate the amount due for the work done and materials furnished on such works of improvement separately, then such claimant, for the purposes of this section, may estimate an equitable distribution of the sum due him over all of such works of improvement based upon the proportionate amount of work done or materials furnished upon such respective works of improvement. The lien of such claimant does not extend beyond the amount designated as against other creditors having liens, by judgment, mortgage, or other-

wise, upon either such works of improvement or upon the land upon which the same are situated.

For all purposes of this section, if there is a single structure on more than one parcel of land owned by one or more different owners, it shall not be the duty of the claimant to segregate the proportion of material or labor entering into the structure on any one of such parcels; but upon the trial thereof the court may, where it deems it equitable so to do, distribute the lien equitably as between the several parcels involved.

3131. If a work of improvement consists in the construction of two or more separate residential units, each such unit shall be considered a separate "work of improvement," and the time for filing claims of lien against each such residential unit shall commence to run upon the completion of each such residential unit. A separate residential unit means one residential structure, together with any garage or other improvements appurtenant thereto. The provisions of this qualification shall not impair any rights conferred under the provisions of Sections 3112 and 3130. Materials delivered to or upon any portion of such entire work of improvement or furnished to be used in such entire work of improvement and ultimately used or consumed in one of such separate residential units shall, for all the purposes of this title, be deemed to have been furnished to be used or consumed in the separate residential unit in which the same shall have been actually used or consumed; provided, however, that if the claimant is unable to segregate the amounts used on or consumed in such separate units, he shall be entitled to all the benefits of Section 3130.

Article 6. Priorities

3134. The liens provided for in this chapter (other than with respect to site improvements) are, subject to the exception in Section 3138, preferred to any lien, mortgage, deed of trust, or other encumbrance upon the work of improvement and the site, which attaches subsequent to the commencement of the work of improvement, and also to any lien, mortgage, deed of trust, or other encumbrance of which the claimant had no notice and which was unrecorded at the time of commencement of the work of improvement.

3135. If any site improvement is provided for in a separate contract from any contract with respect to the erection of residential units or other structures, then the site improvement shall be considered a separate work of improvement and the commencement thereof shall not constitute a commencement of the work of improvement consisting of the erection of any residential unit or other structure.

3136. A mortgage or deed of trust which would be prior to the liens provided for in this chapter to the extent of obligatory advances made thereunder in accordance with the commitment of the lender shall also be prior to the liens provided

for in this chapter as to any other advances, secured by such mortgage or deed of trust, which are used in payment of any claim of lien which is recorded at the date or dates of such other advances and thereafter in payment of costs of the work of improvement. Such priority shall not, however, exceed the original obligatory commitment of the lender as shown in such mortgage or deed of trust.

3137. The liens provided for in Section 3112 with respect to site improvements are, subject to the exception in Section 3139, preferred to (a) any mortgage, deed of trust, or other encumbrance which attaches subsequent to the commencement of the site improvement work; and (b) any mortgage, deed of trust, or other encumbrance of which the claimant had no notice and which was unrecorded at the time of the commencement of such site improvement; and (c) any mortgage, deed of trust, or other encumbrance recorded before the commencement of the site improvement work which was given for the sole or primary purpose of financing such site improvements, unless the loan proceeds are in good faith, placed in the control of the lender under a binding agreement with the borrower to the effect that such proceeds are to be applied to the payment of claims of claimants and that no portion of such proceeds will be paid to the borrower in the absence of satisfactory evidence that all such claims have been paid or that the time for recording claims of liens has expired and no such claims have been recorded.

3138. If the holder of any mortgage or deed of trust which is subordinate pursuant to Section 3134 to any lien, shall procure a payment bond as defined in Section 3096 in an amount not less than 75 percent of the principal amount of such mortgage or deed of trust, which bond refers to such mortgage or deed of trust, and shall record such payment bond in the office of the county recorder in the county where the site is located, then such mortgage or deed of trust shall be preferred to all liens for labor, services, equipment, or materials furnished after such recording.

3139. If the owner of the land or holder of any mortgage or deed of trust, which is subordinate pursuant to Section 3137 to any lien, shall procure a payment bond in an amount not less than 50 percent of the principal amount of such mortgage or deed of trust and shall record such payment bond in the office of the county recorder in the county where the site is located before completion of the work of improvement, then such mortgage or deed of trust shall be preferred to all such liens provided in Section 3112.

3140. Any original contractor or subcontractor shall be entitled to recover, upon a claim of lien recorded by him, only such amount as may be due him according to the terms of his contract after deducting all claims of other claimants for labor, services, equipment, or materials furnished and embraced within his contract.

Article 7. Enforcement of Lien

3143. If the owner of property, or the owner of any interest therein, sought to be charged with a claim of lien, or any original contractor or subcontractor disputes the correctness or validity of any claim of lien, he may record in the office of the county recorder in which such claim of lien was recorded, either before or after the commencement of an action to enforce such claim of lien, a bond executed by a corporation authorized to issue surety bonds in the State of California, in a penal sum equal to $1\frac{1}{2}$ times the amount of the claim or $1\frac{1}{2}$ times the amount allocated in the claim of lien to the parcel or parcels of real property sought to be released, which bond shall be conditioned for 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 recording of such bond the real property described in such bond is released from the lien and from any action brought to foreclose such lien. The principal upon such bond may be either the owner of the property or the owner of any interest therein, or any original contractor, subcontractor, or sub-subcontractor affected by such claim of lien.

3144. No lien provided for in this chapter binds any property for a longer period of time than 90 days after the recording of the claim of lien, unless within that time an action to foreclose the lien is commenced in a proper court, except that, if credit is given and notice of the fact and terms of such credit is recorded in the office of the county recorder subsequent to the recording of such claim of lien and prior to the expiration of such 90-day period, then such lien continues in force until 90 days after the expiration of such credit, but in no case longer than one year from the time of completion of the work of improvement.

3145. As against any purchaser or encumbrancer for value and in good faith whose rights are acquired subsequent to the expiration of the 90-day period following the recording of the claim of lien, no giving of credit or extension of the lien or of the time to enforce the same shall be effective unless evidenced by a notice or agreement recorded in the office of the county recorder prior to the acquisition of the rights of such purchaser or encumbrancer.

3146. After the filing of the complaint in the proper court, the plaintiff may record in the office of the county recorder of the county, or of the several counties in which the property is situated, a notice of the pendency of such proceedings, as provided in Section 409 of the Code of Civil Procedure. Only from the time of recording such notice shall a purchaser or encumbrancer of the property affected thereby be deemed to have constructive notice of the pendency of the action, and in that event only of its pendency against parties designated by their real names.

3147. If the action to foreclose the lien is not brought to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution.

3148. In all cases the dismissal of an action to foreclose the lien (unless it is expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists shall be equivalent to the cancellation and removal from the record of such lien.

3149. Any number of persons claiming liens on the same property may join in the same action to foreclose their liens and when separate actions are commenced the court may consolidate them.

3150. In addition to any other costs allowed by law, the court in an action to foreclose a lien must also allow as costs the money paid for verifying and recording the lien, such costs to be allowed each claimant whose lien is established, whether he be plaintiff or defendant.

3151. Whenever on the sale of the property subject to any liens provided for in this chapter, under a judgment of foreclosure of such lien, there is a deficiency of proceeds, judgment for the deficiency may be entered against any party personally liable therefor in like manner and with like effect as in an action for the foreclosure of a mortgage.

3152. Nothing contained in this title shall be construed to impair or affect the right of any claimant to maintain a personal action to recover his debt against the person liable therefor either in a separate action or in the action to foreclose his lien, nor any right he may have to the issuance of a writ of attachment or execution. In his affidavit to procure an attachment he need not state that his demand is not secured by a lien. The judgment, if any, obtained by the plaintiff in such personal action, or personal judgment obtained in such mechanics' lien action, shall not impair or merge any lien held by the plaintiff under this chapter, but any money collected on such judgment shall be credited on the amount of such lien.

3153. In all cases where a claim of lien is recorded for labor, services, equipment, or materials furnished to any contractor, he shall defend any action brought thereon at his own expense, and during the pendency of such action the owner may withhold from the original contractor the amount of money for which the claim of lien is recorded. In case of judgment in such action against the owner or his property upon the lien, the owner shall be entitled to deduct from any amount then or thereafter due from him to the original contractor the amount of such judgment and costs. If the amount of such judgment and costs exceeds the amount due from him to the original contractor, or if he has settled with the original contractor in full, he shall be entitled to recover back from the original contractor, or the sureties on any bond given by him for the faithful performance of his contract, any amount of

such judgment and costs in excess of the contract price, and for which the original contractor was originally the party liable.

CHAPTER 3. STOP NOTICES FOR PRIVATE WORKS OF IMPROVEMENT

Article 1. Application of Chapter

3156. The provisions of this chapter do not apply to any public work.

Article 2. Who Is Entitled to Serve a Stop Notice and Bonded Stop Notice

3158. Any of the persons named in Sections 3110 and 3112, other than the original contractor, may give to the owner a stop notice. Any person who shall fail to serve such a stop notice after a written demand therefor from the owner shall forfeit his right to a mechanic's lien.

3159. Any of the persons named in Sections 3110 and 3112, other than the original contractor, may, prior to the expiration of the period within which his claim of lien must be recorded under Chapter 2 (commencing with Section 3109), give to a construction lender a stop notice or a bonded stop notice unless a payment bond has previously been recorded in the office of the county recorder of the county where the site is located in accordance with Section 3235, except that the payment bond may be recorded at any time prior to the serving of the first stop notice. Such notice may only be given for materials, equipment, or services furnished, or labor performed. For the purposes of this section, where an owner undertakes construction on his own behalf, one who contracts with him for a portion of the work is a subcontractor and shall be entitled to give a stop notice.

Article 3. Conditions to Valid Service of Stop Notice and Bonded Stop Notice

3160. Service of a stop notice or a bonded stop notice shall be effective only if the claimant:

(a) Gave the preliminary 20-day notice (private work) in accordance with the provisions of Section 3097 if required by that section; and

(b) Served his stop notice as defined in Section 3103 or his bonded stop notice as defined in Section 3083 prior to the expiration of the period within which his claim of lien must be recorded under Section 3115, 3116, or 3117.

Article 4. Effect of Stop Notice and Bonded Stop Notice

3161. It shall be the duty of the owner upon receipt of a stop notice pursuant to Section 3158 to withhold from the

original contractor or from any person acting under his authority and to whom labor or materials, or both, have been furnished, or agreed to be furnished, sufficient money due or to become due to such contractor to answer such claim and any claim of lien that may be recorded therefor, unless a payment bond has been recorded pursuant to the provisions of Section 3235, in which case the owner may, but is not obligated to, withhold such money.

3162. Upon receipt of a stop notice pursuant to Section 3159, the construction lender may, and upon receipt of a bonded stop notice the construction lender shall, withhold from the borrower or other person to whom it or the owner may be obligated to make payments or advancement out of the construction fund, sufficient money to answer such claim and any claim of lien that may be recorded therefor, unless a payment bond has been recorded pursuant to the provisions of Section 3235 at any time prior to the serving of the first stop notice or bonded stop notice.

3163. If the construction lender objects to the sufficiency of the sureties on the bond accompanying the bonded stop notice, he must give notice in writing of such objection to the claimant within 20 days after the service of the bonded stop notice. The claimant may within 10 days after the receipt of such written objection substitute for the initial bond a bond in like amount executed by a corporate surety licensed to write such bonds in the State of California. If the claimant fails to do so, the construction lender may disregard the bonded stop notice and release all funds withheld in response thereto.

Article 5. Priorities

3166. No assignment by the owner or contractor of construction loan funds, whether made before or after a stop notice or bonded stop notice is given to a construction lender, shall be held to take priority over the stop notice or bonded stop notice, and such assignment shall have no effect insofar as the rights of claimants who give the stop notice or bonded stop notice are concerned.

3167. (a) If the money withheld or required to be withheld pursuant to any bonded stop notice shall be insufficient to pay in full the valid claims 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 all such valid claims. Such pro rata distribution shall be made among the persons entitled to share therein without regard to the order of time in which their respective notices may have been given or their respective actions, if any, commenced.

(b) If the money withheld or required to be withheld pursuant to any stop notice shall be insufficient to pay in full the valid claims 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 all such valid claims. Such pro rata distribution shall be made among the persons entitled to share therein without regard to the order of time in which their respective notices may have been given or their respective actions, if any, commenced.

3168. Any person who willfully gives a false stop notice or bonded stop notice or who willfully includes in his notice labor, services, equipment, or materials not furnished for the property described in such notice forfeits all right to participate in the pro rata distribution of such money and all right to any lien under Chapter 2 (commencing with Section 3109).

Article 6. Release of Stop Notice or Bonded Stop Notice

3171. If the owner, construction lender or any original contractor or subcontractor disputes the correctness or validity of any stop notice or bonded stop notice, he may file with the person upon whom such notice was served a bond executed by good and sufficient sureties in a penal sum equal to 1¼ times the amount stated in such notice, conditioned for 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 bond, the funds withheld to respond to the stop notice or bonded stop notice shall forthwith be released.

Article 7. Enforcement of Rights Arising From Stop Notice and Bonded Stop Notice

3172. No action to enforce payment of the claim stated in any stop notice or bonded stop notice shall be commenced against the owner or construction lender prior to the expiration of the period within which claims of lien must be recorded as prescribed in Chapter 2 (commencing with Section 3109), nor shall any such action be commenced more than 90 days following the expiration of such period. No money shall be withheld by reason of any such notice longer than such 90 days following the expiration of such period unless such action is commenced. If no such action is commenced, such notice shall cease to be effective and such moneys shall be paid or delivered to the contractor or other person to whom they are due. Notice of commencement of any such action shall be given within five days after commencement thereof to the same persons and in the same manner as provided for service of a stop notice or bonded stop notice.

3173. In case such action is commenced as provided in Section 3172 but is not brought to trial within two years after the commencement thereof, the court may in its discretion dismiss the action for want of prosecution.

3174. Upon the dismissal of an action to enforce a stop notice or bonded stop notice, unless expressly stated to be without prejudice, or upon a judgment rendered therein against the claimant, the stop notice or bonded stop notice shall cease to be effective and the moneys withheld shall be paid or delivered to the person to whom they are due.

3175. Any number of persons who have given stop notices or bonded stop notices may join in the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them. Upon the motion of the owner or construction lender the court shall require all claimants to the moneys withheld pursuant to stop notices and bonded stop notices to be impleaded in one action, to the end that the respective rights of all parties may be adjudicated therein.

CHAPTER 4. STOP NOTICE FOR PUBLIC WORK

Article 1. Application of Chapter

3179. The provisions of this chapter apply only to a public work.

Article 2. Who Is Entitled to Serve a Stop Notice

3181. Any person, other than an original contractor, mentioned in Sections 3110 and 3112 furnishing provisions, provender, or other supplies, may serve a stop notice upon the public entity responsible for such public work in accordance with the provisions of this chapter.

Article 3. Conditions to Service of Stop Notice

3183. A claimant shall be entitled to enforce a stop notice only if he has complied with each of the following conditions:

(a) He shall have given the preliminary 20-day notice (public work) in accordance with Section 3098 if required by that section.

(b) He shall have filed his stop notice as defined in Section 3103 and in accordance with Section 3184.

3184. To be effective, any stop notice pursuant to this chapter must be served before the expiration of:

(a) Thirty days after the recording of a notice of completion (sometimes referred to in public works as a notice of acceptance) or notice of cessation, if such notice is recorded.

(b) If no notice of completion or notice of cessation is recorded, 90 days after completion or cessation.

3185. No later than 10 days after the filing of a notice of completion or after the cessation of labor has been deemed a completion of the public work or after the acceptance of completion, whichever is later, the public entity shall give notice of the expiration of such period to each stop notice claimant by personal service, or registered or certified mail. When service is by registered or certified mail, service is com-

plete at the time of the deposit of the registered or certified mail in a United States post office, addressed to the claimant at the address shown upon his stop notice claim. No such notice need be given unless the claimant shall have paid to the public entity the sum of two dollars ($2) at the time of filing his stop notice.

3186. It shall be the duty of the public entity, upon receipt of a stop notice pursuant to this chapter, to withhold from the original contractor, or from any person acting under his authority, money or bonds (where bonds are to be issued in payment for the work of improvement) due or to become due to such contractor in an amount sufficient to answer the claim stated in such stop notice and to provide for the reasonable cost of any litigation thereunder.

3187. This chapter does not prohibit (a) the payment of any money or bonds to the original contractor or his assignee unless a stop notice is on file before the disbursing officer has actually surrendered possession of either the warrant, check, bonds, or money, or (b) the payment to the original contractor or his assignee of any money due him in excess of an amount sufficient to answer the total amount of the claims stated in stop notices on file at the time of such payment plus such interest and court costs as might be reasonably anticipated in connection with the claims.

Article 4. Priorities

3190. If the money withheld pursuant to stop notices shall be insufficient to pay in full all of the valid claims stated in such notices, the same shall be distributed among the stop notice claimants in the same ratio that their respective claims bear to the aggregate of such valid claims, without regard to the order of time in which their respective notices may have been served or their respective actions, if any, commenced.

3191. Nothing in this article shall impair the right of any stop notice claimant 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 Chapter 7 (commencing with Section 3247).

3192. Any person who willfully gives a false stop notice to the public entity or who willfully includes in his notice labor, services, equipment, or materials not furnished for the work of improvement with respect to which such notice is given, forfeits all right to participate in the pro rata distribution of money or bonds withheld.

3193. No assignment by the original contractor of any of the money due or to become due to him under the contract, or for "extras" in connection therewith whether made before or after the service of a stop notice, takes priority over a stop notice under this chapter and such assignment has no effect on the rights of the stop notice claimants. Any garnishment of such money by any creditor of the original contractor pur-

suant to Sections 710 and 710a of the Code of Civil Procedure and any statutory lien thereon are subordinate to the rights of all stop notice claimants.

Article 5. Release of Stop Notice

3196. If the original contractor or subcontractor disputes the correctness or validity or enforceability of any stop notice, the public entity may, in its discretion, permit the original contractor to file with the public entity a bond executed by a corporate surety, in an amount equal to 125 percent of the claim stated in the stop notice conditioned for the payment of any sum which the stop notice claimant may recover on the claim together with his costs of suit in the action, if he recovers therein. Upon the filing of such bond with the public entity, the public entity shall not withhold any money or bonds (where bonds are to be issued in payment for the work of improvement) from the original contractor on account of the stop notice. The surety or sureties upon such bond shall be jointly and severally liable to the stop notice claimant with the surety or sureties upon any payment bond furnished pursuant to Chapter 7 (commencing with Section 3247).

3197. If the original contractor asserts (1) that the claim upon which the stop notice is based is not included within the types or classifications of claims referred to in this article, or (2) that the claimant is not one of the persons named in Section 3181, or (3) that the amount of the claim as specified in the stop notice is excessive, or (4) that there is no basis in law for the claim as referred to and set out in the stop notice, he may have the question determined in a summary proceedings in accordance with the provisions of Sections 3198 to 3205, inclusive.

3198. The original contractor shall serve upon the public entity an affidavit and a copy thereof alleging the legal grounds upon which he bases his claim and the facts in support thereof, and demanding the release of all or such portion of such money or bonds as is alleged to be withheld improperly or in an excessive amount. Such affidavit shall also state the address of the original contractor within this state for the purpose of permitting service by mail upon him of any notice or legal document.

3199. The public entity shall serve upon the claimant, either personally or by registered or certified mail, addressed to the last known address of the claimant, a copy of the affidavit and the demand for release together with a written notice stating that the public entity will release such money or bonds, or such portion of either as has been demanded, unless the claimant files with the public entity a counteraffidavit on or before a time designated in the notice, which shall not be less than 10, nor more than 20 days, after service upon the claimant of the copy of such affidavit. Proof of service shall be made by an affidavit.

3200. If the claimant desires to contest the original contractor's affidavit and demand for release, he shall, within the time allowed, serve upon the public entity 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 allegations of the original contractor's affidavit, together with proof of service of a copy of such counteraffidavit upon the original contractor. If no such counteraffidavit with proof of service is served upon the public entity within the time allowed, then the public entity shall forthwith release the money or bonds, or such portion thereof as has been demanded by such affidavit, without further notice to the claimant, and the public entity shall not be liable in any manner for making such release. The public entity shall not be responsible for the validity of the affidavit or counteraffidavit.

3201. If such counteraffidavit, together with proof of service, is so filed, either the original contractor or the claimant may file an action in the appropriate superior court for a declaration of the respective rights of the parties. After the filing of such action, either the original contractor or the claimant shall be entitled to a hearing by the court for the purpose of determining his rights under the affidavit and demand for release and the counteraffidavit. Such hearing must be granted by the court 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 public entity and to the other party.

3202. At such hearing, the original contractor shall have the burden of proof. The affidavit and counteraffidavit shall be filed with the court by the public entity 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 original contractor shall be deemed controverted by the counteraffidavit, and both shall be received in evidence.

3203. No findings shall be required in a summary proceeding under this article. 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 shall be allowed or not, which order shall be determinative as to the right of the claimant to have the money or bonds further withheld by the public entity. The original contractor shall serve a copy of such order on the public entity.

3204. Nothing contained in this article shall be construed to deprive any party of the right to a trial by jury in any

case where such right is given by the California Constitution, but a jury trial may be waived in like manner as in the trial of an action.

3205. No determination in the summary proceedings under this article shall be res judicata with respect to any right of action by the claimant against either principal or surety on any labor and material bond or with respect to any right of action against any party personally liable to the claimant.

Article 6. Enforcement of Rights Arising From Stop Notice

3210. No action to enforce payment of the claim stated in any stop notice shall be commenced against the original contractor and the public entity prior to the expiration of the period within which stop notices must be filed as provided in Section 3184, nor shall any such action be commenced more than 90 days following the expiration of such period; provided, however, that if the claim arises out of a work of improvement that is subject to acceptance by a city, county, or other local public entity, then the action 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 longer than such 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 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.

3211. Notice of the commencement of any such action shall be given to the public entity within five days after commencement of the action described in Section 3210 in the same manner as provided in Section 3103.

3212. In case such action is commenced as provided in Section 3210 but is not brought to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution.

3213. In all cases upon the dismissal of an action commenced as provided in Section 3210, unless expressly stated to be without prejudice, or upon a judgment rendered therein against the claimant, the stop notice shall cease to be effective and the moneys or bonds withheld shall be paid or delivered to the person to whom they are due.

3214. Any number of persons who have given stop notices may join the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them. Upon the request of the public entity the court shall require all claimants to the moneys withheld pursuant to stop notices to be impleaded in one action, to the end that the respective rights of all parties may be adjudicated therein.

Chapter 5. General Provisions Relating to Bonds

Article 1. Construction of and Terms and Conditions of Bonds

3225. The surety or sureties on any bond given pursuant to any of the provisions of this title shall not be exonerated or released from the obligation of the bond by any change, alteration, or modification in or of any contract, plans, specifications, or agreement pertaining or relating to any scheme or work of improvement or pertaining or relating to the furnishing of labor, materials, or equipment therefor, nor by any change or modification of any terms of payment or extension of the time for any payment pertaining or relating to any scheme or work of improvement, nor by any rescission or attempted rescission of the contract, agreement or bond, nor by any conditions precedent or subsequent in the bond attempting to limit the right of recovery of claimants otherwise entitled to recover under any such contract or agreement or under the bond, nor, where the bond is given for the benefit of claimants, by any fraud practiced by any person other than the claimant seeking to recover on the bond.

3226. Any bond given pursuant to the provisions of this title will be construed most strongly against the surety and in favor of all persons for whose benefit such bond is given, and under no circumstances shall a surety be released from liability to those for whose benefit such bond has been given, by reason of any breach of contract between the owner and original contractor or on the part of any obligee named in such bond, but the sole conditions of recovery shall be that claimant is a person described in Section 3110 or 3112, and has not been paid the full amount of his claim.

3227. Any bond given pursuant to any of the provisions of this title which otherwise fully complies therewith shall be a good and sufficient bond if the surety thereon is a corporation duly authorized to issue surety bonds in this state.

3228. A certified copy of any bond which has been recorded pursuant to this title may be admitted in evidence in an action or proceeding with the same effect as the original instrument, without further proof.

Chapter 6. Payment Bond For Private Works

Article 1. Provision for and Effect of Filing Contract and Payment Bond

3235. In case the original contract for a private work of improvement is filed in the office of the county recorder of the county where the property is situated before the work is commenced, and the payment bond of the original contractor in an amount not less than 50 percent of the contract price named in such contract is recorded in such office, then the court must, where it would be equitable so to do, restrict

the recovery under lien claims to an aggregate amount equal to the amount found to be due from the owner to the original contractor and render judgment against the original contractor and his sureties on such bond for any deficiency or difference there may remain between such amount so found to be due to the original contractor and the whole amount found to be due to claimants.

3236. It is the intent and purpose of Section 3235 to limit the owner's liability, in all cases, to the measure of the contract price where he shall have filed or caused to be filed in good faith his original contract and recorded a payment bond as therein provided. It shall be lawful for the owner to protect himself against any failure of the original contractor to perform his contract and make full payment for all work done and materials furnished thereunder by exacting such bond or other security as he may deem necessary.

Article 2. Conditions to Action on Payment Bond

3239. No provision in any payment bond given pursuant to any of the provisions of this chapter attempting by contract to shorten the period prescribed in Section 337 of the Code of Civil Procedure for the commencement of an action thereon shall be valid if such provision attempts to limit the time for commencement of action thereon to a shorter period than six months from the completion of any work of improvement, nor shall any provision in any of such bonds attempting to limit the period for the commencement of actions thereon be valid insofar as actions brought by claimants are concerned, unless such bond is recorded, before the work of improvement is commenced, with the county recorder of the county in which the property referred to therein is situated.

3240. In case the surety or sureties on any payment bond given pursuant to this chapter record such bond in the office of the county recorder of the county in which the property is situated before the work of improvement is completed, then no action may be maintained thereon unless there shall previously have been either a mechanic's lien claim recorded pursuant to this title or written notice given to the surety on such bond before the expiration of the time prescribed in this title for recording a lien to enforce such claim, which notice shall contain all of the following:

(a) The kind of labor, services, equipment, or materials furnished or agreed to be furnished by such claimant.

(b) The name of the person to or for whom the same was done or furnished.

(c) The amount in value, as near as may be, of that already done or furnished and of the whole agreed to be done or furnished.

The filing of an action to foreclose such lien shall not be a condition precedent to a recovery on such bond. If such bond

has been so recorded then any suit brought against such surety or sureties shall be filed within six months after completion of said work of improvement.

3241. The written notice to be given to the surety or sureties as provided in Section 3240 may be given by delivery thereof personally to, or by depositing same in the mail, postage prepaid, and certified or registered, addressed in accordance with any of the following which may be applicable:

(a) If to an individual surety, at his residence or place of business, if known.

(b) If to an individual surety and his residence is unknown, then in care of the county clerk of the county in which such bond has been recorded.

(c) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent.

(d) At the office or care of any officer of the surety in the State of California.

(e) At the office of or care of the statutory agent of the surety in the State of California.

(f) By service in the manner prescribed for the service of summons as provided in Section 411 of the Code of Civil Procedure.

CHAPTER 7. PAYMENT BOND FOR PUBLIC WORKS

3247. Every original contractor to whom is awarded a contract by a public entity involving an expenditure in excess of two thousand five hundred dollars ($2,500) for any public work shall, before entering upon the performance of the work, file a payment bond with and approved by the officer or public entity by whom the contract was awarded.

3248. To be approved the payment bond shall be executed by either two or more good and sufficient sureties or by a corporate surety and shall satisfy all of the following requirements:

(a) Be in a sum not less than that prescribed in the following paragraph which is applicable to the total amount payable:

(1) One-half of the total amount payable by the terms of the contract when the total amount payable does not equal or exceed five million dollars ($5,000,000).

(2) One-fourth of the total amount payable by the terms of the contract when the total amount payable is not less than five million dollars ($5,000,000) and does not exceed ten million dollars ($10,000,000).

(3) If the total amount payable by the terms of the contract exceeds ten million dollars ($10,000,000), a payment bond in the sum of two million five hundred thousand dollars ($2,500,000) is sufficient.

(b) Provide that if the original contractor or his subcontractor fails to pay any of the persons named in Sec-

tion 3181, or amounts due under the Unemployment Insurance Code with respect to work or labor performed by any such claimant, that the surety or sureties will pay for the same, in an amount not exceeding the sum specified in the bond, and also, in case suit is brought upon the bond, a reasonable attorney's fee, to be fixed by the court. The original contractor may require of his subcontractors a bond to indemnify the original contractor for any loss sustained by the original contractor because of any default by his subcontractors under this section.

(c) By its terms inure to the benefit of any of the persons named in Section 3181 so as to give a right of action to such persons or their assigns in any suit brought upon the bond.

3249. Suit against the surety or sureties on the payment bond may be brought by any claimant, or his assigns, at any time after the claimant has furnished the last of the labor or materials, or both, but must be commenced before the expiration of six months after the period in which stop notices may be filed as provided in Section 3184.

3250. The filing of a stop notice is not a condition precedent to the maintenance of an action against the surety or sureties on the payment bond. An action on the payment bond may be maintained separately from and without the filing of an action against the public entity by whom the contract was awarded or any officer thereof. Upon the trial of the action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs, and to be included in the judgment therein rendered.

3251. Unless a payment bond is filed and approved as provided in this chapter, no claim in favor of the original contractor arising under the contract shall be audited, allowed or paid by the public entity awarding the contract or any officer thereof. Claimants shall receive payment of their respective claims in the manner provided by Chapter 4 (commencing with Section 3179) upon complying with the provisions thereof.

3252. In order to enforce a claim upon any payment bond given in connection with a public work, a claimant must give the 90-day public works preliminary bond notice as provided in Section 3091.

CHAPTER 8. MISCELLANEOUS PROVISIONS

3258. The county recorder shall number, index, and preserve all contracts, plans, and other papers presented to him for filing pursuant to this title, and shall number, index, and transcribe into the official records in his office in the same manner as a conveyance of land, all notices, claims of lien, payment bonds, and other papers recorded pursuant to this title. He shall receive therefor the fees prescribed in Article 5 (commencing with Section 27360), Chapter 6, Part 3, Division 2, Title 3 of the Government Code.

3259. Except as otherwise provided in this title, 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 title. The provisions of Part 2 (commencing with Section 307) of the Code of Civil Procedure, relative to new trials and appeals, except insofar as they are inconsistent with the provisions of this title or with rules adopted by the Judicial Council, apply to the proceedings mentioned in this title.

3260. Whenever materials shall have been furnished for use in any work of improvement or mining claim, such materials shall not be subject to attachment, execution, or other legal process, to enforce any debt due by the purchaser of such materials, except a debt due for the purchase price thereof, so long as the same are about to be applied in good faith to the work of improvement or mining claim.

3261. No mistake or errors in the statement of the demand, or of the amount of credits and offsets allowed, or of the balance asserted to be due the claimant, or in the description of the property against which the lien is recorded, shall invalidate the lien, unless the court finds that such mistake or error in the statement of the demand, credits and offsets, or of the balance due, was made with the intent to defraud, or that an innocent third party, without notice, direct or constructive, has since the claim was recorded become the bona fide owner of the property, and that the notice of claim was so deficient that it did not put the party on further inquiry in any manner.

3262. Neither the owner nor original contractor by any term of their contract, or otherwise, shall waive, affect, or impair the claims and liens of other persons whether with or without notice except by their written consent and any term of the contract to that effect shall be null and void.

3263. No act done by an owner in good faith and in compliance with any of the provisions of this title shall be held to be a prevention of the performance of any contract between the owner and an original contractor by an original contractor, or to exonerate the sureties on any bond given for faithful performance or for the payment of claimants.

3264. 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 Chapters 3 (commencing with Section 3156) and 4 (commencing with Section 3179) of this title, and no 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 such chapters.

3265. The claim filing procedures set forth in Part 3 (commencing with Section 900) of Division 3.6 of Title 1 of the Government Code do not apply to actions commenced pursuant to Section 3210 of this code.

3266. (a) This title does not supersede the Oil and Gas Lien Act, Chapter 2.5 (commencing with Section 1203.50), Title 4, Part 3, of the Code of Civil Procedure, and the provisions of that act shall govern those transactions to which it applies rather than the provisions of this title.

(b) This title does not supersede Chapter 12 (commencing with Section 5290), Part 3, Division 7, of the Streets and Highways Code, and the provisions of that chapter shall govern those transactions to which it applies rather than the provisions of this title.

SEC. 2.5. Section 710a of the Code of Civil Procedure is amended to read:

710a. In the event the judgment debtor named in any transcript of judgment filed under the provisions of Section 710 of this code, approved March 21, 1903, be a contractor upon any public work, the cost of which is to be paid out of any public moneys voted, appropriated or otherwise set apart for the purpose of paying therefor, only so much of the contract price shall be deemed owing to the contractor, within the meaning of said section, as may remain payable to him under the terms of his contract, upon the completion thereof, after the sums severally due and to become due to all persons who perform labor upon such work or who bestow skill or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, have been ascertained and paid. In ascertaining the sums severally due or to become due the persons who perform labor upon public works or other necessary services, or furnish materials, appliances, teams or power used or consumed in the performance of such work, only such claims shall be considered as are filed against the moneys due or to become due the judgment debtor in accordance with the provisions of Chapter 4 (commencing with Section 3179) of Title 15 of Part 4 of Division 3 of the Civil Code. The controller, auditor, or other public disbursing officer whose duty it is to make payments under the provisions of such contract shall not draw his warrant in favor of the court from the docket of which the transcript was taken until said contract is completed and the payments above specified are made, and then only for the excess, if any, of the contract price over the aggregate of the sums so paid.

SEC. 3. Chapter 2 (commencing with Section 1181) of Title 4 of Part 3 of the Code of Civil Procedure is repealed.

SEC. 4. Section 1203.61 of the Code of Civil Procedure is amended to read:

1203.61. (a) Any lien provided for by this chapter shall be enforced in the same manner as provided in Title 15 (commencing with Section 3082), Part 4, Division 3. of the Civil Code. Such action shall be filed within 180 days from the time of the recording of the lien provided for herein. If a credit be given and notice of the fact and terms of such credit be filed in

the office of the county recorder subsequent to the filing of such lien and prior to the expiration of said 180-day period, then such lien continues in force until 180 days after the expiration of such credit, but no lien continues in force by reason of any agreement to give credit for a longer time than one year from the time the work is completed. If the proceedings to enforce the lien 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 the dismissal of such action (unless it be expressly stated that the same is without prejudice) or a judgment rendered therein that no lien exists shall be equivalent to the cancellation and removal from the record of such lien.

(b) As against any purchaser or encumbrancer for value and in good faith whose rights are acquired subsequent to the expiration of the 180-day period following the filing of such lien, no giving of credit or extension of the lien or time to enforce the same shall be effective unless evidenced by a notice or agreement filed for record in the office of the county recorder prior to the acquisition of the rights of such purchaser or encumbrancer.

SEC. 5. Chapter 3 (commencing with Section 4200) of Division 5 of Title 1 of the Government Code is repealed.

SEC. 6. Section 5463 of the Health and Safety Code is amended to read:

5463. Any health officer or governing board of any city, county, or sanitary district, having served written notice upon the owner or reputed owner of land upon which there is a dwelling house, and such owner or reputed owner, after 30 days, having refused, neglected, or failed to connect such dwelling house, together with all toilets, sinks, and other plumbing therein, properly vented, and in a sanitary manner, with the adjoining street sewer, may construct the same at a reasonable cost, and the person doing said work at the request of such health officer or governing board has a lien upon said real estate for his work done and materials furnished, and such work done and materials furnished shall be held to have been done and furnished at the instance of such owner or reputed owner, or person claiming or having any interest therein. Such governing board may pay all or any part of the cost or price of such connection to the person or persons who furnished labor, materials, or equipment for the same, and, to the extent such governing board pays the cost or price of said connection, it shall succeed to and have all the rights, including the lien provided for above, of such person or persons against the real estate and against the owner or reputed owner thereof.

As an alternative power to the enforcement of the lien provided for in this section, the governing body of the public agency performing the work of connection to the public sewer may, by order entered upon its minutes, declare that the amount of the costs of such work and the administrative

expenses incurred by the governing body incident to the proceedings, together with other charges uniformly applicable within the jurisdiction of the governing body for the connection of the premises to the public sewer, shall be transmitted to the assessor and tax collector of the public agency, whereupon it shall be the duty of those officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

The liens provided for by this section shall be enforced in the same manner as those provided for by Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code.

SEC. 7. Section 5294 of the Streets and Highways Code is amended to read:

5294. No assignment by the contractor of the whole or any part of the money, assessment, partial assessment, any reassessment and any bonds which may be issued to represent any assessment or reassessment, due him or to be due him under the contract, or for "extras" in connection therewith, whether made before or after a verified claim is filed pursuant to this chapter, shall take priority over such claims, and such assignment shall have no binding force insofar as the rights of the claimants, or their assigns, are concerned. None of the provisions of Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code, shall be applicable to any assessment, partial assessment, reassessment, bonds, moneys or funds payable to the contractor or his assignee under this division or to any matter contained in this chapter.

SEC. 8. Section 10509 of the Streets and Highways Code is amended to read:

10509. The provisions of Title 15 (commencing with Section 3082), Part 4, Division 3, of the Civil Code are hereby expressly made applicable to the construction of works and improvements under this division.

SEC. 9. If any provision or clause of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any provisions or application of this 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.

SEC. 10. It is the intent of the Legislature, in enacting this act, to revise and restate the laws of this state relating to mechanics' liens and works of improvement. This act shall not be construed to constitute a change in, but shall be construed as declaratory of, the preexisting law.

SEC. 11. This act shall become operative January 1, 1971.

SEC. 12. Any section of any other act, enacted by the Legislature at its 1969 Regular Session prior or subsequent to the enactment of this act, which amends, adds, or repeals any section of any code which is amended, added, or repealed by this act, shall prevail over this act.

CHAPTER 1363

An act to amend Section 10751 of the Education Code, relating to pupils' records.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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 permit access to any written records 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) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a 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) A state, or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

Restrictions imposed by this act are not intended to interfere with the preparation and distribution of junior college, college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of junior college, college and university students to proprietors of off-campus housing. Such restrictions 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 by name in the information submitted for research, 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. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials.

CHAPTER 1364

An act to amend Section 3097 of the Civil Code as added by Senate Bill No. 316 of the 1969 Regular Session and to amend Section 1193 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. 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 furnish 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.

A certificated architect, registered engineer, or licensed land surveyor who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural, engineering, or surveying services furnished, or to be furnished.

(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 jobsite 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 equipment 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

SEC. 2. Section 3097 of the Civil Code, as added by Senate Bill No. 316 of the 1969 Regular Session of the Legislature, is amended to read:

3097. "Preliminary 20-day notice (private work)" means a written notice from a claimant that is given prior to the

recording of a mechanic's lien and prior to the filing of a stop notice, and is required to be given under the following circumstances:

(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 title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) shall be given not later than 20 days after the claimant has first furnished labor, service, 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, service, 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, service, equipment, or material furnished, or to be furnished, the improved property may be subject to mechanic's 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.

A certificated architect, registered engineer, or licensed land surveyor who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) with respect to architectural, engineering, or surveying services furnished, or to be furnished.

(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. Such person shall, however, 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 jobsite, 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 equipment 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 contractor.

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 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation, if any, and address of the construction lender and shall keep the information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to the construction lender the notice required by this section.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 316 is enacted and adds Section 3097 to the Civil Code, and, in such case, shall become operative at the same time as Senate Bill No. 316 becomes operative, at which time Section 1193 of the Code of Civil Procedure, as amended by Section 1 of this act, is repealed.

CHAPTER 1365

An act to amend Sections 21101, 21104, 35701, 35702, 35712, and 35714 of the Vehicle Code, relating to local regulation of the use of highways.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 21101 of the Vehicle Code is amended to read:

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(b) Designating any highway as a through highway and requiring that all vehicles observe official traffic control devices before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(c) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 (commencing with Section 1031) of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code. No ordinance which is adopted pursuant to this subdivision after the effective date of the amendments to this section enacted at the 1969 Regular Session shall apply to any state highway which is included in the national system of interstate and defense highways, except an ordinance which has been approved by the California Highway Commission by a four-fifths vote.

(d) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state.

(e) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when in the opinion of local authorities having jurisdiction such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

SEC. 2. Section 21104 of the Vehicle Code is amended to read:

21104. No ordinance or resolution proposed to be enacted under Section 21101 or subdivision (d) of Section 21100 is effective as to any highway not under the exclusive jurisdiction of the local authority enacting the same, except that an ordinance or resolution which is submitted to the Department of Public Works by a local legislative body in complete draft form for approval prior to the enactment thereof is effective as to any state highway or part thereof specified in the written approval of such department. No such ordinance or resolution enacted under subdivision (c) of Section 21101 which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by a four-fifths vote of the California Highway Commission except that no such ordinance or resolution enacted prior to January 1, 1969, under subdivision (c) of Section 21101 which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by both the local authority and by a four-fifths vote of the California Highway Commission.

SEC. 3. Section 35701 of the Vehicle Code is amended to read:

35701. (a) Any city may by ordinance prohibit the use of a street to be described in the ordinance by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit to be specified in the ordinance, except with respect to any vehicle which is subject to the provisions of Sections 1031 to 1036, inclusive, of the Public Utilities Code.

(b) The ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

(c) No ordinance which is adopted pursuant to this section after the effective date of the amendments to this section enacted at the 1969 Regular Session shall apply to any state highway which is included in the national system of interstate and defense highways, except an ordinance which has been approved by the California Highway Commission by a four-fifths vote.

SEC. 4. Section 35702 of the Vehicle Code is amended to read:

35702. No ordinance proposed under Section 35701 is effective with respect to any highway which is not under the exclusive jurisdiction of the local authority enacting the ordinance, or, in the case of any state highway, until the ordinance has been submitted by the governing body of the local authority to, and approved in writing by, the Department of Public Works. In submitting a proposed ordinance to the department for approval, the governing body of the local authority shall designate therein, an alternate route for the use of vehicles, which route shall remain unrestricted by any local regulation as to weight limits or types of 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 it of the alternate route so designated. No such ordinance which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by a four-fifths vote of the California Highway Commission.

SEC. 5. 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.

(c) No ordinance which is adopted pursuant to this section after the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature shall apply to any state highway which is included in the national system of interstate and defense highways, except an ordinance which has been approved by the California Highway Commission by a four-fifths vote.

SEC. 6. 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. No such ordinance which applies to any state highway included in the national system of interstate and defense highways, shall subsequently be disapproved until such disapproval has been concurred in by a four-fifths vote of the California Highway Commission.

(g) Vehicles operated as an incident to any industrial, commercial or agricultural enterprise conducted within the boundaries of the unincorporated residential subdivision area.

SEC. 7. 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 or of the ninth class as defined

by Section 28030 of the Government Code may, by ordinance, prohibit the use of any highway located in an incorporated residential or subdivision area by any commercial vehicle exceeding a gross weight of 5,000 pounds.

(c) This section does not apply to a vehicle operated by or on behalf of a public utility in connection with the installation, operation, maintenance, or repair of its facilities.

(d) No ordinance which is adopted pursuant to this section after the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature shall apply to any state highway which is included in the national system of interstate and defense highways, except an ordinance which has been approved by the California Highway Commission by a four-fifths vote.

SEC. 8. It is the intent of the Legislature, if amendments to Section 35712 of the Vehicle Code proposed by both this bill and A.B. 1254 are enacted, that both amendments be given effect and incorporated in Section 35712 in the form set forth in Section 7 of this act. Therefore, in the event A.B. 1254 is enacted and amends Section 35712, Section 7 of this act shall become operative at the same time that Section 35712 as amended by A.B. 1254 becomes operative, and at that time, Section 35712 of the Vehicle Code as amended by Section 5 of this act is repealed.

CHAPTER 1366

An act to amend Section 15517 of the Education Code, relating to fire safety.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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, including the installation of protective and warning devices and intrusion alarms, or for any purpose for which the fire marshal certifies the necessity, 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, 1971.

CHAPTER 1367

An act granting and conveying free of trust certain lands now in the possession and control of the City and County of San Francisco, acting through the Harbor Commission of the City and County of San Francisco, declaring such lands free of the public trust for purposes of navigation, commerce, and fisheries, and declaring such lands free from any possibility of reverter upon breach of condition.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. In accordance with Section 18 of the Burton Act (Chapter 1333 of the Statutes of 1968), this act amends and modifies in part the transfer of lands in trust to the City and County of San Francisco provided for in the Burton Act.

SEC. 2. The state hereby grants and conveys free of the public trust for purposes of navigation, commerce, and fisheries to the City and County of San Francisco, all of its right, title and interest in and to the lands described as follows, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserving to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface, of the real property conveyed:

(a) Parcel No. 1. Beginning at the point of intersection of the westerly line of Davis Street and the southerly line of Clay Street as shown on map entitled "Record of Survey Map of the Golden Gateway," recorded September 29, 1961, in Book "T" of Maps, at pages 22, 23 and 24, in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said line of Clay Street 68.75 feet to the easterly line of Davis Street; thence at a right angle southerly along said line of Davis Street 275 feet to the northerly line of Sacramento Street; thence at a right angle westerly along said line of Sacramento Street 68.75 feet to the westerly line of Davis Street; thence at a right angle northerly along said line of Davis Street to the point of beginning.

(b) Parcel No. 2. Beginning at the point of intersection of the westerly line of Davis Street and the southerly line of Broadway as shown on map entitled "Record of Survey Map of the Golden Gateway," recorded September 29, 1961, in Book "T" of Maps, at pages 22, 23 and 24 in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said line of Broadway 68.75 feet to the easterly line of Davis Street; thence at a right angle southerly along said line of Davis Street 275 feet to the northerly line of Pacific Avenue; thence at a right angle westerly along said line of Pacific Avenue 68.75 feet to the westerly line of Davis Street; thence at a right angle northerly along said line of Davis Street to the point of beginning.

The above-described parcels are portions of Davis Street in the City and County of San Francisco, as shown on the map referred to in this section.

SEC. 3. The State Director of Finance shall execute and deliver to the City and County of San Francisco, a deed or quitclaim deed of all of the right, title and interest of the state in and to the property described in Section 2, subject to the reservation contained in Section 2 of this act. Such deed or quitclaim deed shall be sufficient to convey title of such lands to the City and County of San Francisco, free of trust.

SEC. 4. The Legislature hereby finds and declares that the lands described in Section 2 of this act have ceased to be tide and submerged lands and are therefore free of the public trust for navigation, commerce, and fisheries and such lands are conveyed to the City and County of San Francisco by the provisions of this act free of any previously existing public trust for the purpose of navigation, commerce, and fisheries.

SEC. 5. The lands described in Section 2 of this act shall be sold at a price equal to the fair market value of the state's interest in such lands, which shall be determined by agreement between an appraiser representing the State Lands Commission and an appraiser representing the City and County of San Francisco. In the event the two appraisers are unable to agree,

they shall agree on a third appraiser who shall determine such fair market value. The cost of the appraisals shall be borne by the City and County of San Francisco.

SEC. 6. The lands described in Section 2 of this act shall not be subject to reversion to the state by reason of any breach by the City and County of San Francisco of any condition imposed by any provision of the Burton Act or of any other law requiring a reversion to the state upon breach of condition.

SEC. 7. The City and County of San Francisco is authorized to bring or defend any action to establish its title to the lands described in Section 2 of this act. Any suit against the state or against any agency of the state to establish title in the City and County of San Francisco is authorized and consent to any such suit is hereby given.

SEC. 8. Service of summons in any actions or suits with respect to the sale of lands under Section 6 of this act shall be made upon the Attorney General and the Attorney General shall represent the state in any such actions or suits. Cost of such suits, including reasonable attorneys fees, shall be borne by the City and County of San Francisco.

SEC. 9. Any money received by the City and County of San Francisco from the sale of lands described in Section 2 of this act shall be used by the Harbor Commission of the City and County of San Francisco to retire bonded indebtedness incurred for San Francisco Harbor improvements and for which the state is primarily liable.

CHAPTER 1368

An act to amend Sections 7450, 7456, and 7459 of, to amend and renumber Sections 7451.1, 11061, 11411, 11411.1, and 11412 of, to add Sections 7451.1 and 7463 to, to amend the heading of Article 3.5 (commencing with Section 11061) of Chapter 2 of Division 9 of, and to repeal the heading of Article 4.5 (commencing with Section 11411) of Chapter 3 of Division 9 of, the Education Code, relating to regional occupational centers.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 7450 of the Education Code is amended to read:

7450. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical school or enroll in a vocational or technical training program, regardless of the geographical location of their residence in a county or region. The Legislature hereby declares that a regional occupational center will serve the

state and national interests in providing vocational and technical education to prepare students for an increasingly technological society in which generalized training and skills are insufficient to prepare high school students and graduates, and out-of-school youth and adults for the many employment opportunities which require special or technical training and skills. The Legislature also declares that regional occupational centers will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjustments and meeting changing training needs as they arise.

It is recognized by the Legislature that vocational programs may achieve great flexibility of planning, scope and operation by the conduct of such programs in a variety of physical facilities at various training locations.

It is the further intent of the Legislature that regional occupational centers and programs provide vocational and occupational instruction related to the attainment of a specific skill which will make the trainee technically equipped to be immediately employable in that skill upon completion of the training program.

SEC. 3. Section 7451.1 of the Education Code is amended and renumbered to read:

7451.2. A regional occupational center or regional occupational program shall:

(a) Provide individual counseling and guidance in vocational matters.

(b) Provide a curriculum which includes skill training in occupational fields having current and future needs for such training.

(c) Provide an opportunity for students to acquire entry level vocational skills which may lead to a combination work-study schedule.

(d) Provide for the upgrading of the vocational skills of students and for retraining where necessary.

(e) Maintain a pupil-teacher ratio which will enable students to achieve optimum benefits from the instructional program.

SEC. 4. Section 7451.1 is added to the Education Code, to read:

7451.1. The school district or districts sponsoring the regional occupational center or program shall conduct a job market survey in those areas in which they propose to establish a regional occupational center or program. The survey shall be conducted in cooperation with the local office of the Department of Employment, prospective employers, the districts advisory committee on vocational education, and the appropriate advisory committee for each of the proposed training programs. The survey shall include an analysis of existing vocational and occupational training programs maintained by high

schools and community colleges in the area to insure that the anticipated employment demand for trainees in the proposed regional centers and programs justifies the establishment of the proposed courses of instruction.

SEC. 7. Section 7456 of the Education Code is amended to read:

7456. The county superintendent of schools, with the approval of the county board of education, and the governing board of each school district, or joint powers governing board, which maintains a regional occupational center or regional occupational program pursuant to this chapter, shall certify to the county auditor and to the county board of supervisors, on or before August 10 of each year, the amount of money required to be raised by a tax for the education of pupils attending the regional occupational center, or regional occupational program, maintained by the county superintendent of schools or by a school district, as the case may be, and for the purposes set forth in Section 7453.

The amount shall be determined by subtracting from the total cost of education of such pupils in the regional occupational center, or regional occupational program, including transportation, to the county superintendent of schools or school district, as the case may be, (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 or to the school district, as the case may be, for the education of such pupils and by adding to the result the amount required for the purposes set forth in Section 7453. At the time of levying county taxes, the board of supervisors shall levy a district tax for each regional occupational center, or regional occupational program, maintained in the county by the governing board of a school district pursuant to this chapter upon the taxable property of the school district sufficient to produce the amount required by this section; and the board of supervisors may levy a county tax for each regional occupational center, or regional occupational program, maintained in the county by the county superintendent of schools pursuant to this chapter sufficient to produce the amount required by this section, upon the following taxable property within school districts under the jurisdiction of the county superintendent maintaining the regional occupational center or regional occupational center program:

(a) In a county in which the governing board of a school district is not maintaining a regional occupational center or regional occupational program pursuant to this chapter, upon all the taxable property within school districts under the jurisdiction of the county superintendent maintaining the regional occupational center or regional occupational center program.

(b) In a county in which the governing boards of one or more school districts are maintaining a regional occupational

center or regional occupational program pursuant to this chapter, upon the taxable property within that portion of the territory within school districts under the jurisdiction of the county superintendent maintaining the regional occupational center or regional occupational center program which is not included in territory of such school districts.

The amount received from this tax shall be deposited in the county school service fund, or, if the regional occupational center, or regional occupational program, for which such tax was levied is maintained by a school district, in the county treasury to the credit of the general fund of that school district.

The maximum rate of the countywide or district tax levied for the purposes of this section, except for the purposes set forth in Section 7453, shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation within the county or district, as the case may be, and the maximum rate of the countywide or district tax levied under this section for the purposes set forth in Section 7453 shall not exceed five cents ($0.05) on each one hundred dollars ($100) of assessed valuation in the county or district, as the case may be.

As used in this section, school district includes each of those school districts which are cooperating in the maintenance of a regional occupational center, or regional occupational program, with the approval of the county superintendent of schools pursuant to Section 7451.

SEC. 8. Section 7459 of the Education Code is amended to read:

7459. A regional occupational center established and maintained pursuant to a joint powers agreement pursuant to the provisions of Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code shall receive in annual operating funds from the participating school districts an amount per unit of average daily attendance as follows:

(a) From each participating school district which is not eligible for state equalization aid, four hundred seventy-two dollars ($472).

(b) From each participating school district which is eligible for state equalization aid, but not eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, four hundred seventy-two dollars ($472).

(c) From each participating school district which is eligible for state equalization aid and is eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, four hundred ninety-two dollars ($492).

(d) From each participating school district which is eligible for state equalization and is not eligible for the increase in foundation program pursuant to Article 2.1 (commencing with

Section 17671) of Chapter 3 of Division 14, but is eligible for supplemental support, five hundred twelve dollars ($512).

(e) From each participating school district which is eligible for state equalization aid, and is eligible for the increase in foundation program pursuant to Article 2.1 (commencing with Section 17671) of Chapter 3 of Division 14, and is eligible for supplemental support, five hundred thirty-two dollars ($532).

(f) Any adjustments in the state apportionment allowance formula for average daily attendance shall automatically be applied to the above subdivisions.

SEC. 9. Section 7463 is added to the Education Code, to read:

7463. The Department of Education shall annually, on or before the 30th legislative day of the regular session of the Legislature, submit to the Legislature an evaluation of the regional occupation centers and programs for the preceding fiscal year. The evaluation shall include an analysis of the costs of individual centers and programs, their enrollment defined in terms of high school students, post-high school students, and adults, number of graduates, number of trainees trained for specific entry level occupations as opposed to higher level entry occupations, dropout rates, and placement data.

SEC. 10. The heading of Article 3.5 (commencing with Section 11061) of Chapter 2 of Division 9 of the Education Code is amended to read:

Article 3.5. Opportunity Schools

SEC. 11. Section 11061 of the Education Code is amended and renumbered to read:

7462. The minimum day in a regional occupational center is 180 minutes and the minimum day in a regional occupational program is 60 minutes.

SEC. 12. The heading of Article 4.5 (commencing with Section 11411) of Chapter 3 of Division 9 of the Education Code is repealed.

SEC. 13. Section 11411 of the Education Code is amended and renumbered to read:

7460. Units of average daily attendance in the regional occupational centers or regional occupational programs of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil's attendance in such centers, or programs, during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund if the center, or program, is maintained by a county superintendent of schools or if the center, or program, is maintained by a school district, to the district maintaining the center or program.

Attendance in regional occupational centers, or regional occupational programs, operated under subdivision (a) of Section 7451.5 shall be considered pupil's attendance under this

section, but attendance in regional occupational centers, or regional occupational programs, under subdivision (b) of Section 7451.5 shall not be so considered.

As used in this section, "school district" includes each of those districts which are cooperating in the maintenance of the center or program, with the approval of the county superintendent of schools, pursuant to Section 7451; and units of average daily attendance of pupils residing in such school district shall be credited to the school district or county office of education as may be appropriate.

SEC. 14. Section 11411.1 of the Education Code is amended and renumbered to read:

7461. Any district or county superintendent who operates a 60-minute regional occupational program shall be credited with one-third of a unit of average daily attendance for each student in a 60-minute regional occupational program and two-thirds of a unit of average daily attendance in a 120-minute program.

SEC. 15. Section 11412 of the Education Code is amended and renumbered to read:

10956. Each elementary, high school, and unified school district shall report to the Superintendent of Public Instruction on forms prepared by the Department of Education in addition to all other attendance data as required, the active enrollment as of the last day of the school month. "Active enrollment" on a day a count is taken means the pupils in enrollment in the regular schooldays of the district on the first day of the school year on which the schools were in session, plus all later enrollees, minus all withdrawals since that day.

CHAPTER 1369

An act to amend Section 18709 and Section 19568 as proposed to be added by Senate Bill No. 840 of the Welfare and Institutions Code, relating to blind persons.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 18709 of the Welfare and Institutions Code is amended to read:

18709. The California Industries for the Blind may contribute eight dollars ($8) per month for each non-civil-service production worker for health insurance carried by such workers. The contributions shall be made only for health insurance plans approved by the Board of Control and shall be made from the California Industries for the Blind Manufacturing Fund.

SEC. 2. Section 19568 of the Welfare and Institutions Code, as proposed to be added by Senate Bill No. 840, is amended to read:

19568. The California Industries for the Blind may contribute eight dollars ($8) per month for each non-civil-service production worker for health insurance carried by such workers The contributions shall be made only for health insurance plans approved by the Board of Control and shall be made from the California Industries for the Blind Manufacturing Fund.

SEC. 3. Section 2 of this act shall become operative only if Section 19568, as proposed to be added to the Welfare and Institutions Code by Senate Bill No. 840 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Senate Bill No. 840 takes effect; at which time Section 18709 of the Welfare and Institutions Code, as amended by Section 1 of this act is repealed.

CHAPTER 1370

An act to amend Section 6904 of the Government Code, and to amend Section 19629 of the Welfare and Institutions Code as proposed to be added by Senate Bill No. 840, relating to vending stands for the blind.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 6904 of the Government Code is amended to read:

6904. The bureau shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter, including the collection of a service charge based on gross sales, which service charge shall not exceed 6 percent thereof from each vending stand operator, and shall be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for additional equipment, for the construction of new vending stands, snackbars and cafeterias, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries. It is the intent of the Legislature that the expenditure of such service charges as are authorized by this section shall be supplemental to and in augmentation of any current appropriations available for

such purposes and shall not constitute an offset or diminution of any such appropriations. A sum equal to 4 percent of the wages paid by an operator to any blind person, as defined in Section 6905, or any disabled person, as defined in regulations issued by the department, shall be deducted from any service charge paid by the operator, to encourage operators to employ more blind and disabled workers and thereby set an example for industry and government. There shall be no deduction from any service charge paid by an operator if the operator does not pay wages at least equal to the minimum wages required of employers pursuant to Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States, 21 years of age or over, and who have resided in the state at least one year immediately preceding date of application for license.

The amendments to this section made at the 1969 Regular Session of the Legislature apply only to persons hired by an operator after July 1, 1969.

SEC. 2. Section 19629 of the Welfare and Institutions Code as proposed to be added by Senate Bill No. 840 is amended to read:

19629. The department shall:

(a) Make surveys of opportunities for the operation of vending stands by blind persons in public buildings.

(b) Prescribe all necessary rules and regulations for the operation of the vending stands, and do all things necessary and proper to carry out the provisions of this chapter, including the collection of a service charge based on gross sales, which service charge shall not exceed 6 percent thereof from each vending stand operator, and shall be placed in the Special Deposit Fund to be used for maintenance, repairs, and replacement of equipment, for additional equipment, for the construction of new vending stands and food service facilities, for loans to operators for initial stock, and for such other expenditures as are found necessary to carry out the purposes of this chapter; provided, that no portion of such service charges shall be used for administrative salaries. It is the intent of the Legislature that the expenditure of such service charges as are authorized by this section shall be supplemental to and in augmentation of any current appropriations available for such purposes and shall not constitute an offset or diminution of any such appropriations A sum equal to 4 percent of the wages paid by an operator to any blind person, as defined in Section 6905, or any disabled person, as defined in regulations issued by the department, shall be deducted from any service charge paid by the operator, to encourage operators

to employ more blind and disabled workers and thereby set an example for industry and government.

There shall be no deduction from any service charge paid by an operator if the operator does not pay wages at least equal to the minimum wages required of employers pursuant to Chapter 1 (commencing with Section 1171) of Part 4 of Division 2 of the Labor Code.

(c) Select a location for each vending stand constructed or installed in any building subject to the approval of the person, governing board, or legislative body having the care, custody, and control of such building.

(d) Issue licenses for the operation of vending stands to blind persons who are citizens of the United States and 21 years of age or over.

The amendments to this section made at the 1969 Regular Session of the Legislature apply only to persons hired by an operator after July 1, 1969.

SEC. 3. Section 2 of this act shall become operative only if Section 19629, as proposed to be added to the Welfare and Institutions Code by Senate Bill No. 840 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Senate Bill No. 840 takes effect; at which time Section 6904 of the Government Code, as amended by Section 1 of this act is repealed.

CHAPTER 1371

An act to amend Section 13121 of the Education Code, relating to teacher's oaths.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 13121 of the Education Code is amended to read:

13121. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California, and will promote respect for the flag and respect for law and order and allegiance to the government of the United States of America." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the State Board of Education. Any certificated person who is a citizen or subject of any country other than the United States,

and who is employed in any capacity in any of the public schools of the state shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the state. Upon the violation of any of the terms of the oath or affirmation, the State Board of Education shall suspend or revoke the credential which has been issued.

CHAPTER 1372

An act to amend Sections 51201, 51240, 51241, 51242, 51243, 51243.5, 51244, 51245, 51246, 51281, 51285, 51292, 51293 and 51295 of, to amend and renumber Sections 51203, 51204, 51249, 51250 and 51252 of, to repeal Sections 51201.1, 51202, 51222, 51223, 51247, 51248, 51251, 51253, 51255, 51256, 51282, 51283, 51283.3 and 51286 of, to add Sections 51244.5, 51249, 51250, 51252, 51253, 51282, 51283 and 51283.3 to, to add Article 2.5 (commencing with Section 51230) to Chapter 7 of Part 1 of Division 1 of Title 5 of, and to repeal Article 4 (commencing with Section 51260) of Chapter 7 of Part 1 of Division 1 of Title 5 of, the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969]

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 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 which will normally return during the commer-

cial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

(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.

(e) "Compatible use" is any use determined by the county or city administering the preserve pursuant to Section 51231 or Section 51238 or by this act to be compatible with the agricultural use of land within the preserve and subject to contract.

(f) "Board" means the board of supervisors of a county which establishes or proposes to establish an agricultural preserve or which enters or proposes to enter into a contract on land within an agricultural preserve pursuant to this chapter.

(g) "Council" means the city council of a city which establishes or proposes to establish an agricultural preserve or which enters or proposes to enter into a contract on land within an agricultural preserve pursuant to this chapter.

(h) Except where it is otherwise apparent from the context, "county" or "city" means the county or city having jurisdiction over the land.

SEC. 2. Section 51201.1 of the Government Code is repealed.

SEC. 3. Section 51202 of the Government Code is repealed.

SEC. 4. Section 51203 of the Government Code is amended and renumbered to read:

51202. For all purposes of this chapter, county-assessed values shall be used.

SEC. 5. Section 51204 of the Government Code is amended and renumbered to read:

51203. The assessed valuations referred to in Section 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. 6. Section 51222 of the Government Code is repealed.

SEC. 7. Section 51223 of the Government Code is repealed.

SEC. 8. Article 2.5 (commencing with Section 51230) is added to Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code, to read:

Article 2.5. Agricultural Preserves

51230. Beginning January 1, 1971, any county or city having a general plan, and until December 31, 1970, any county or city, by resolution, and after a public hearing may establish an agricultural preserve. Notice of the hearing shall

be published pursuant to Section 6061 of this code, and shall include a legal description, or the assessor's parcel number, of the land which is proposed to be included within the preserve. Such preserves shall be established for the purpose of defining the boundaries of those areas within which the city or county will be willing to enter into contracts pursuant to this act. An agricultural preserve shall consist of no less than 100 acres; provided, that in order to meet this requirement two or more parcels may be combined if they are contiguous or if they are in common ownership.

A county or city may establish agricultural preserves of less than 100 acres if it finds that smaller preserves are necessary due to the unique characteristics of the agricultural enterprises in the area and that the establishment of preserves of less than 100 acres is consistent with the general plan of the county or city.

An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning or other suitable means in such a way as not to be incompatible with the agricultural use of the land, the use of which is limited by contract in accordance with this chapter.

Failure on the part of the board or council to restrict the use of land within a preserve but not subject to contract shall not be sufficient reason to cancel or otherwise invalidate a contract.

51231. For the purposes of this chapter, the board or council, by resolution, shall adopt rules governing the administration of agricultural preserves, including procedures for initiating, filing, and processing requests to establish agricultural preserves. Such rules shall be applied uniformly throughout the preserve, shall enumerate those uses which are to be considered to be compatible uses, and may require the payment of a reasonable application fee. The same procedure that is required to establish an agricultural preserve shall be used to disestablish or to enlarge or diminish the size of an agricultural preserve.

51232. In the event any proposal to disestablish or to alter the boundary of an agricultural preserve will remove land under contract from such a preserve, notice of the proposed alteration or disestablishment and the date of the hearing shall be furnished by the board or council to the owner of the land by certified mail directed to him at his latest address known to the board or council. Such notice shall also be furnished by first-class mail to each owner of land in that preserve which has a common boundary with the land to be removed from the preserve.

51233. When a county proposes to establish an agricultural preserve it shall give written notice at least two weeks before the hearing to the local agency formation commission and to

every city within one mile of the exterior boundaries of the preserve.

51234. Any proposal to establish an agricultural preserve shall be submitted to the planning department of the county or city having jurisdiction over the land. If the county or city has no planning department, a proposal to establish an agricultural preserve shall be submitted to the planning commission. Within 30 days after receiving such a proposal, the planning department or planning commission shall submit a report thereon to the board or council; provided, however, that the board or council may extend the time allowed for an additional period not to exceed 30 days.

The report shall include a statement that the preserve is consistent, or inconsistent, with the general plan, and the board or council shall make a finding to such effect. Final action upon the establishment of an agricultural preserve may not be taken by the board or council until the report required by this section is received from the planning department or planning commission, or until the required 30 days have elapsed and any extension thereof granted by the board or council has elapsed.

51235. An agricultural preserve shall continue in full effect following annexation, incorporation or disincorporation of land within the preserve.

Any city or county acquiring jurisdiction over land in a preserve by annexation, incorporation or disincorporation shall have all the rights and responsibilities specified in this act for cities or counties including the right to enlarge, diminish or disestablish an agricultural preserve within its jurisdiction.

51236. 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 least 60 days prior to the next renewal date following the removal, serve a notice of nonrenewal as provided in Section 51245. Such notice of nonrenewal shall be recorded as provided in Section 51248.

51237. Whenever an agricultural preserve is established, and so long as it shall be in effect, a map of such agricultural preserve and the resolution under which the preserve was established shall be filed and kept current by the city or county with the county recorder and the Director of Agriculture.

51238. Notwithstanding any determination of compatible uses by the county or city pursuant to this article, unless the board or council after notice and hearing makes a finding to the contrary, the erection, construction, alteration, or maintenance of gas, electric, water, or communication utility facilities are hereby determined to be compatible uses within any agricultural preserve. No land occupied by gas, electric, water, or communication utility facilities shall be excluded from an agricultural preserve by reason of such use.

51239. The board or council may appoint an advisory board, the members of which shall serve at the pleasure of the board or council and may be paid their expenses. They shall advise the board or council on the administration of the agricultural preserves in the county or city and on any matters relating to contracts entered into pursuant to this chapter.

SEC. 9. Section 51240 of the Government Code is amended to read:

51240. Any city or county may by contract limit the use of agricultural land for the purpose of preserving such land pursuant and subject to the conditions set forth in the contract and in this chapter. A contract may provide for restrictions, terms, and conditions, including payments and fees, more restrictive than or in addition to those required by this chapter.

SEC. 10. Section 51241 of the Government Code is amended to read:

51241. If such a contract is made with any landowner, the city or county shall offer such a contract under similar terms to every other owner of agricultural land within the agricultural preserve in question.

However, except as required by other provisions of this chapter, the provisions of this section shall not be construed as requiring that all contracts affecting land within a preserve be identical, so long as such differences as exist are related to differences in location and characteristics of the land and are pursuant to uniform rules adopted by the county or city.

SEC. 11. Section 51242 of the Government Code is amended to read:

51242. No city or county may contract with respect to any land pursuant to this chapter unless the land:

(a) Is devoted to agricultural use.

(b) Is located within an area designated by a city or county as an agricultural preserve.

SEC. 12. 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 compatible with agricultural uses, for the duration of the contract.

(b) Shall be binding upon, and inure to the benefit of, all successors in interest of the owner. Whenever land under a contract is divided, the owner of any parcel may exercise, independent of any other owner of a portion of the divided land, any of the rights of the owner in the original contract, including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land under contract shall not be imputed to the owners of the remaining parcels and shall have no effect on the contract as it applies to the remaining parcels of the divided land. 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, the city protested the execution of the contract pursuant to Section 51243.5, and the city states its intent not to 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.

SEC. 12.5. Section 51243.5 of the Government Code is amended to read:

51243.5. The clerk of the board of supervisors shall give written notice to any city within the county of its intention to consider a contract which includes land within one mile of the exterior boundaries of that city. Such notice shall be given at least 30 days prior to the time the board of supervisors intends to consider the execution of such a contract. If such city files with the county a resolution protesting the execution of a contract which includes land within one mile of the exterior boundaries of the city, and the board of supervisors executes such a contract, the city shall have the option provided for in subdivision (b) of Section 51243 of not succeeding to the contract upon annexation of the land to the city.

SEC. 13. Section 51244 of the Government Code is amended to read:

51244. Each contract shall be for an initial term of no less than 10 years. Each contract shall provide 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.

SEC. 14. Section 51244.5 is added to the Government Code, to read:

51244.5. Notwithstanding the provisions of Section 51244, if the initial term of the contract is for 20 years or more the contract may provide that on the anniversary date of the contract or such other annual date as specified by the contract beginning with the anniversary date on which the contract will have an unexpired term of nine years, a year shall be added automatically to the initial term unless notice of nonrenewal is given as provided in Section 51245.

SEC. 15. 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 or Section 51244.5.

Upon receipt by the owner of a notice from the county or city of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The county or city may, at any time prior to the renewal date, withdraw the notice of nonrenewal. Upon request by the owner, the board or council may authorize the owner to serve a notice of nonrenewal on a portion of the land under a contract.

SEC. 16. Section 51246 of the Government Code is amended to read:

51246. If the county or city or the landowner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

SEC. 17. Section 51247 of the Government Code is repealed.

SEC. 18. Section 51248 of the Government Code is repealed.

SEC. 19. Section 51249 of the Government Code is amended and renumbered to read:

51247. The landowner shall furnish the city or county with such information as the city or county shall require in order to enable it to determine the eligibility of the land involved.

SEC. 20. Section 51250 of the Government Code is amended and renumbered to read:

51248. No later than 20 days after a city or county enters into a contract with a landowner pursuant to this chapter, the clerk of the board or council, as the case may be, shall record with the county recorder a copy of the contract, which shall describe the land subject thereto, together with a reference to the map showing the location of the agricultural preserve in which the property lies. From and after the time of such recordation such contract shall impart such notice thereof to all persons as is afforded by the recording laws of this state.

SEC. 21. Section 51249 is added to the Government Code, to read:

51249. Within 30 days after approval by the board or council, the clerk of such board or council shall file with the Director of Agriculture a sample copy of any approved form of contract.

SEC. 22. Section 51250 is added to the Government Code, to read:

51250. On or before the first day of September of each year, the county assessor shall report to the Director of Agriculture and to the State Board of Equalization the following information with respect to each school district or portion of a district within the county or city in which there is land under contract pursuant to this chapter:

(a) The number of acres of land under contract during the preceding fiscal year.

(b) The number of acres under contract during the current fiscal year for the first time.

(c) The total acres of land under contract.

SEC. 23. Section 51251 of the Government Code is repealed.

SEC. 24. Section 51252 of the Government Code is amended and renumbered to read:

51251. The county or city may bring any action in court necessary to enforce any contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

SEC. 25. Section 51252 is added to the Government Code, to read:

51252. Any contract entered into pursuant to this chapter shall be an enforceable restriction within the meaning and for the purposes of Article XXVIII of the State Constitution and shall be enforced and administered by the city or county in such a manner as to accomplish the purposes of that article and of this chapter.

SEC. 26. Section 51253 of the Government Code is repealed.

SEC. 27. Section 51253 is added to the Government Code, to read:

51253. Any contract or agreement entered into pursuant to this chapter prior to the 61st day following final adjournment of the 1969 Regular Session of the Legislature may be amended to conform with the provisions of this act as amended at such session upon the mutual agreement of all parties. Approval of such an amendment to a contract by the Director of Agriculture or the State Board of Agriculture shall not be required.

SEC. 28. Section 51255 of the Government Code is repealed.

SEC. 29. Section 51256 of the Government Code is repealed.

SEC. 30. Article 4 (commencing with Section 51260) of Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code is repealed.

SEC. 31. Section 51281 of the Government Code is amended to read:

51281. A contract may not be canceled except pursuant to a request by the landowner, and as provided in this article.

SEC. 32. Section 51282 of the Government Code is repealed.

SEC. 33. Section 51282 is added to the Government Code, to read:

51282. The landowner may petition the board or council for cancellation of any contract as to all or any part of the subject land. The board or council may approve the cancellation of a contract only if they find:

(a) That the cancellation is not inconsistent with the purposes of this chapter; and

(b) That cancellation is in the public interest.

The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.

SEC. 34. Section 51283 of the Government Code is repealed.

SEC. 35. Section 51283 is added to the Government Code, to read:

51283. (a) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the full cash value of the land as though it were free of the contractual restriction. The assessor shall multiply such value by the most recent county ratio announced pursuant to Section 401 of the Revenue and Taxation Code, and shall certify the product to the board or council as the cancellation valuation of the land for the purpose of determining the cancellation fee.

(b) Prior to giving tentative approval to the cancellation of any contract the board or council shall determine and certify to the county auditor the amount of the cancellation fee which the landowner must pay the county treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 50 percent of the cancellation 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.

(c) If they find that it is in the public interest to do so the board or council 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 board or council 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.

(d) 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. 36. Section 51283.3 of the Government Code is repealed.

SEC. 37. Section 51283.3 is added to the Government Code, to read:

51283.3. (a) Upon tentative approval of the cancellation petition the clerk of the board or council shall record in the office of the county recorder of the county in which the land as to which the contract is canceled is located a certificate which shall set forth the name of the owner of such land at the time the contract was canceled with the amount of the cancellation fee certified by the board or council as being due pursuant to this article, the contingency of any waiver or deferment of payments, and a legal description of the property. From the date of recording of such certificate the contract shall be finally canceled and, to the extent the cancellation fee has not yet been paid, a lien shall be created and attach against the real property described therein and any other real property owned by the person named therein as the owner and located within the county. Such lien shall have the force, effect and priority of a judgment lien. Nothing in this section or Section 51283 shall preclude the board or council from requiring payment in full of the cancellation fee prior to the cancellation becoming effective.

(b) In no case shall the cancellation of a contract be final until the notice of cancellation is actually recorded as provided in this section. Notwithstanding any other provisions of the Revenue and Taxation Code, any payments required by Section 51283 shall not create nor impose a lien or charge on the land as to which a contract is canceled except as herein provided.

(c) Upon the payment of the cancellation fee or any portion thereof the clerk of the board or council shall record with the county recorder a written certificate of the release in whole or in part of the lien.

SEC. 38. Section 51285 of the Government Code is amended to read:

51285. The owner of any property located in the county or city in which the agricultural preserve is situated may protest such cancellation to the city or county conducting the hearing.

SEC. 39. Section 51286 of the Government Code is repealed.

SEC. 40. Section 51292 of the Government Code is amended to read:

51292. (a) No public agency or person shall locate a public improvement within an agricultural preserve based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) No public agency or person shall acquire prime agricultural land covered under a contract pursuant to this chapter for any public improvement if there is other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

SEC. 41. Section 51293 of the Government Code is amended to read:

51293. Section 51292 shall not apply to:

(a) The location or construction of improvements where the board or council administering the agricultural preserve approves or agrees to the location thereof.

(b) The acquisition of easements within a preserve by the board or council administering the preserve.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) The location or construction of the following types of improvements, which are hereby determined to be compatible with or to enhance land within an agricultural preserve:

(1) Flood control works, including channel rectification and alteration.

(2) Public works required for fish and wildlife enhancement and preservation.

(3) Improvements for the primary benefit of the lands within the preserve.

(e) Improvements for which the site or route has been specified by the Legislature in such a manner as to make it impossible to avoid the acquisition of land under contract.

(f) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as said sections read on October 1, 1965.

(g) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of said subdivision (d).

(h) Land upon which condemnation proceedings have been commenced prior to October 1, 1965.

SEC. 42. 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 an entire parcel of land subject to a 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 shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed and for the purposes of establishing the value of such land, the contract shall be deemed never to have existed.

Upon the termination of such a proceeding, the contract shall be null and void for all land actually taken or acquired.

When such an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken, except as otherwise provided in this chapter.

SEC. 43. 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. 44. The provisions of this act shall be given prospective application only and shall not be construed in a manner which would impair the obligation of any existing contract or agreement entered into pursuant to the California Land Conservation Act of 1965, prior to the effective date of this act. However, this section is not intended to prevent the provisions of this act from being incorporated by reference into existing contracts or agreements, if such existing contracts or agreements provide for incorporation by reference of amendments subsequently enacted by the Legislature; provided further, however, that this act shall not, by incorporation by reference or otherwise, invalidate any restrictions, terms, or conditions, including payments and fees, more restrictive than or in addition to those required by this chapter.

CHAPTER 1373

An act to amend Section 8575 of the Education Code, relating to graduation academic standards.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 8575 of the Education Code is amended to read:

8575. The State Board of Education shall, on or before July 1, 1970, prepare, and distribute to each school district maintaining a high school for its consideration, model minimum academic standards for graduation as required by Section 8574 of this code

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CHAPTER 1374

An act to add Section 22123 to the Water Code, relating to irrigation districts.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 22123 is added to the Water Code, to read:

22123. Any district providing electric power to areas outside its boundaries shall be subject to reasonable rules, regulations, and orders of the governing body of the city or county area being served, but, in no event, more restrictive than the rules, regulations, and orders of the Public Utilities Commission upon utilities providing electric power to cities or counties. No district may impose rates, rules, regulations, or orders in any such area outside its boundaries which are different from rates, rules, regulations, or orders imposed within the district, except with the consent of the governing body of the affected area.

CHAPTER 1375

An act to amend Section 1 of Chapter 497 of the Statutes of 1959, relating to tide and submerged lands granted in trust to the County of Marin.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 1 of Chapter 497 of the Statutes of 1959 is amended to read:

Section 1. There is hereby granted to the County of Marin, and to its successors, all of 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 tide and submerged lands, filled or unfilled, bounded and described as follows:

Parcel A

All that land within the unincorporated area of the County of Marin, lying within Richardson Bay as shown upon the Board of Tide Land Commissioners' "Map No. 1 of the Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, designated as Saucelito Basin and those areas designated as Brickyard, Oyster, Salt Works, Rosedale and Coyote Canals and that portion of Saucelito Canal lying southeasterly from Courses Nos. 160 and 161 of "Meanders at Ordinary High Tide" as tabulated on Table I of said Map No. 1, and those areas designated as Monterey, Sonoma, Waldo, Myrtle, Yuba, Grove, Eureka, Pescadero, Madrona, Manzanita, Teutonia, Oro, Fresno, Shasta, Yolo, Parepa, Pohono, Esmeralda, Tulare, Owyhee, Coyote and Canal Streets, and all the street areas normal to the aforementioned streets at present known and referred to as Tomales, Bolinas, Petaluma, Humboldt, Donahue and Railroad Avenues, including Railroad Avenue lying between Coyote Canal and Rosedale Canal and each of the undesignated areas lying between Railroad Avenue and Blocks 169, 195 and 232.

Parcel B

All that land lying within Gallinas Canal (including the north and south forks thereof) as shown on the Board of Tide Land Commissioners' "Map No. 3 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1871 on file in the office of the State Lands Commission at Sacramento, lying westerly from a line drawn between the southeasterly end of Course No. 1 and the northeasterly end of Course No. 87 as said courses are tabulated on said Map No. 3 in the Table entitled "Meanders of Gallinas Canal".

Parcel C

All that land within Richardson Bay and within the City of Belvedere designated upon the Board of Tide Land Commissioners' "Map No. 1 of Salt Marsh and Tide Lands Situate in the County of Marin, State of California" dated 1870, on file in the office of the State Lands Commission at Sacramento, as Middle and East Canals and that portion of Saucelito Basin more particularly described as follows:

Beginning at the most westerly corner of Lot 382 as shown upon said Map No. 1, thence running southeasterly along the southwesterly lines of Lots 382, 388, 389 and 390 to the beginning of Course No. 328 of the "Meanders at Ordinary High Tide" as tabulated in Table I of said Map No. 1; thence continuing southeasterly along the "Meanders at Ordinary High Tide" to the southeasterly end of Course No. 342; then westerly to the northeasterly end of Course No. 47 of the "Mean-

ders of the Line of Nine Ft. Depth at the Lowest Tide" as tabulated in Table III of said Map No. 1; then southwesterly along said Course No. 47 to a point on the southwesterly limits of the City of Belvedere; then northwesterly along said limits of the City of Belvedere to the point of beginning.

To be forever held by said county, 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 county, 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 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, building, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(3) 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 1.

(4) 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.

(5) 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, hotels, 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.

(6) For the establishment, preservation, restoration, improvement, or maintenance of intertidal and subtidal marine biological reserves, restoration and maintenance of shellfish and related fishery resources, development of nature study trails and areas, exhibits, research projects, preservation of areas of unique marine phenomena for water sports, and the natural beauty and biological resources and activities related thereto, subject to the prior approval of the Fish and Game Commission as to those matters which are subject to regulation by the commission pursuant to the Fish and Game Code.

(b) Said county, or its successors shall not, at any time, grant, convey, give or alienate said lands, or any part thereof, to any individual, firm or corporation for any purposes whatever; provided, that said city, or its successors, may grant franchises thereon for limited periods, not exceeding 55 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof, for limited periods, not exceeding 55 years, for purposes consistent with the trusts upon which said lands are held by the State of California, 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 county under the Broughton Act, and any such franchise shall be effective with respect to said lands when title thereto passes to said county hereunder.

(c) Said lands shall be improved without expense to the state; provided, however, that nothing contained in this act shall preclude expenditures for the development of said lands for any public purpose not inconsistent with commerce, navigation and fisheries, by the state, or any board, agency or commission thereof, when authorized or approved by the county, nor by the county 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 county or its successors shall make no discrimination in rates, tolls or charges for any use or service in connection therewith.

(e) The State of California shall have the right to use without charge any transportation, landing or storage improvements, betterments or structures constructed upon said lands for any vessel or other watercraft or railroad owned or operated by the State of California.

(f) There is hereby reserved to the people of the State of California the absolute right to fish in the waters of said lands

with the right of convenient access to said waters over said lands for said purposes.

(g) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

(h) The lands herein described are granted subject to the express reservation and condition that the state may at any time in the future use said 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 said 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) That within 10 years from the effective date of the amendment to this act enacted at the 1969 Regular Session of the Legislature said lands shall be substantially improved, restored, preserved, or maintained by said county without expense to the state, and if the State Lands Commission determines that the county has failed to improve, restore, preserve, or maintain said lands as herein required, all right, title, and interest of said county in and to all lands granted by this act shall cease and all right, title, and interest in said lands shall revert and rest in the state. All restoration, preservation, or maintenance shall be effected in accordance with a plan therefor, approved by the State Lands Commission.

CHAPTER 1376

An act to amend Section 22825 of the Government Code, relating to the Meyers-Geddes State Employee's Medical and Hospital Care Act.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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 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 the health benefits plan, or plans, including the cost of enrollment of all family members, or eight dollars ($8) 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 health benefits plan or plans 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 or plans less the portion thereof to be contributed by the employer.

SEC. 2. This act shall become operative on the first day of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 1377

An act to amend Section 11008.7 of the Welfare and Institutions Code, relating to public assistance and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 11008.7 of the Welfare and Institutions Code is amended to read:

11008.7. Neither funds distributed pursuant to U.S. Public Law 90-507 (82 Stat. 860) nor property derived therefrom shall be considered in determining the eligibility of or the amount payable to any person under federal, state, or local laws, plans, rules, or regulations relating to welfare services or payments of any type of public assistance to needy persons, including, but not limited to, aid to families with dependent children, aid to the blind, aid to the aged, aid to the potentially self-supporting blind, aid to the needy disabled or medical assistance recipients.

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 take advantage of programs and benefits made available by the federal government in Public Law 90-507, it is essential that this act go into immediate effect.

CHAPTER 1378

An act to add Section 27178 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 27178 is added to the Streets and Highways Code, to read:

27178. Within the district, the Department of Public Works may restrict any portion of a state highway to a particular mode of vehicular transportation during such hours as the department, upon the basis of an engineering and traffic investigation, determines such restriction would expedite the flow of traffic.

CHAPTER 1379

An act to add Chapter 5.75 (commencing with Section 5766) to Division 6 of the Education Code, relating to bilingual instruction for non-English-speaking students.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. This act is necessary because of the pressing need for special bilingual instruction for non-English-speaking students in many parts of the state. As a result of the increased influx of immigrant students into the State of California, the public schools now are responsible for hundreds of students who are unable to do the regular classroom work because they cannot communicate in the English language.

SEC. 2. Chapter 5.75 (commencing with Section 5766) is added to Division 6 of the Education Code, to read:

CHAPTER 5.75. BILINGUAL EDUCATION DEMONSTRATION PROGRAM

5766. The State Department of Education, in cooperation with selected local school districts, shall develop and implement in a county or city and county selected by it a demonstration program to meet the pressing and unique educational needs of non-English-speaking students in the public schools.

The demonstration program shall be designed specifically to promote the following purposes:

(a) Recruitment of sufficient numbers of bilingual teachers to instruct non-English-speaking students in their native language as well as teaching them the English language.

(b) Identification of the causes of unrest which specifically relate to education among non-English-speaking students and propose and implement solutions to this problem.

(c) Provision for supportive personnel and educational services necessary to the success of the program.

(d) Provision for sufficient and adequate facilities and equipment required by the program.

5766.1. The demonstration program shall be administered by the county superintendent of schools of the selected demonstration county, or by the city superintendent of schools in the case of a city and county, in cooperation with the local school districts and other concerned governmental organizations.

5766.2. The department shall annually provide for the evaluation of programs adopted pursuant to this chapter.

5766.3. State funds appropriated to implement the demonstration program may be allocated by the department to the demonstration county or city and county for the construction, operation, staffing, and maintenance of bilingual education programs. Such services and facilities may be developed alone or in conjunction with other facilities operated by local school districts.

5766.4. This chapter shall remain in effect until July 1, 1972, and shall have no force nor effect after that date.

SEC. 3. It is the intent of the Legislature in enacting this act to encourage bilingual instruction in order to develop a greater proficiency in English in accordance with the general policy specified in Section 71 of the Education Code.

CHAPTER 1380

An act to add Article 14 (commencing with Section 429.30) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to health services, and making an appropriation therefor.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Article 14 (commencing with Section 429.30) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 14. Indian Health Service

429.30. The State Department of Public Health shall maintain a program for Indians and their families, consisting of:

(a) Studies of the health and health services for Indians and their families throughout the state.

(b) Technical and financial assistance to local agencies concerned with the health of Indians and their families.

(c) Coordination with similar programs of the federal government, other states, and voluntary agencies.

429.31. The department may contract and cooperate with local governmental agencies and voluntary nonprofit organizations in connection with the development of local health programs for Indians and their families.

SEC. 2. The sum of thirty-two thousand one hundred seventeen dollars ($32,117) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure by the department during the 1969–1970 fiscal year pursuant to the provisions of Article 14 (commencing with Section 429.30) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, as enacted by Section 1 of this act.

CHAPTER 1381

An act to add Section 21382.5 to the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 21382.5 is added to the Government Code, to read:

21382.5. For the purposes of Section 21382, a person shall be considered to be under the age of 18 if he is under the age of 22 and a full-time student.

CHAPTER 1382

An act to amend Section 14376 and Section 14226 as proposed by Assembly Bill No. 1728 of the Education Code, relating to State Teachers' Retirement Law.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 2, 1969.]

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, and may be paid not to exceed four thousand dollars ($4,000) in any one fiscal year, 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 four thousand dollars ($4,000) in any one fiscal year. Any person who retired for service may be employed as a teacher who provides remedial instruction, or as a home teacher, or as a teacher in a program of either adult or continuing education in a position requiring certification qualifications, 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 not be paid to exceed two thousand five hundred dollars ($2,500). 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 deduction 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 14226, as proposed by Assembly Bill No. 1728, of the Education Code is amended to read:

14226. Any retirant who retired for service may be employed as a substitute in a position requiring certification qualifications, and may be paid not to exceed four thousand dollars ($4,000) in any one fiscal year, 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 four thousand dollars ($4,000) in any one fiscal year. Any retirant who retired for service may be employed as a teacher who provides remedial instruction, or as a home teacher, or as a teacher in a program of either adult or continuing education in a position requiring certification qualifications, 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 not be paid to exceed two thousand five hundred dollars ($2,500).

Such employment does not operate to reinstate the retirant as a member of this system, or to terminate or suspend his retirement allowance, and no deduction 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 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 the immediately preceding 12-month period and filed with the county superintendent, 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. 3. Section 2 of this act shall become operative only if Section 14226 of the Education Code as proposed by Assembly Bill No. 1728 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Section 14376 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1383

An act to add Section 3566.3 to the Elections Code, relating to analysis of measures.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 3566.3 is added to the Elections Code, to read:

3566.3. Whenever any measure qualifies for a place on the ballot the Secretary of State shall transmit a copy of the measure to the Legislative Analyst. The Legislative Analyst shall prepare an impartial analysis of the measure if, in his opinion, it involves additional cost. If the measure is one which would require a substantial increase in state costs the analysis shall contain an estimate of the cost of the measure and shall specify the method of financing it. The analysis shall be printed in the ballot pamphlet alongside the Legislative Counsel's detailed analysis and shall not exceed 500 words.

SEC. 2. This act shall become inoperative upon the enactment of Assembly Bill No. 1283.

CHAPTER 1384

An act to amend Sections 8150.5, 8152, 8154, 8155, 8156 and 8780 of, and to repeal Sections 8150, 8151, 8157 and 8158 of, the Fish and Game Code, relating to the taking of sardines and other ocean fish.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 8150 of the Fish and Game Code is repealed.

SEC. 2. Section 8150.5 of the Fish and Game Code is amended to read:

8150.5. Under permits issued by the department, sardines may be taken for bait purposes in the amount of two hundred fifty (250) tons annually provided that no boat, barge or vessel may possess more than three (3) tons during any one calendar day. The department will keep records of the catch and when it appears that the 250-ton limit will be reached, shall notify all permit holders of the date when such limit will be reached and shall notify, by certified mail, all permittees of such closure.

After the closure, sardines may not be taken or possessed on any boat, barge, or vessel except loads or lots of fish may contain 15 percent or less by weight of sardines taken incidentally to other fishing operations and which are mixed with the other fish in the load or lot.

Sardines so incidentally taken may be possessed and used for canning, preserving, and reduction only.

This section does not prohibit the possession and use of sardines imported into this state under a bill of lading identifying the country of origin.

SEC. 3. Section 8151 of the Fish and Game Code is repealed.

SEC. 4. Section 8152 of the Fish and Game Code is amended to read:

8152. Sardines incidentally taken pursuant to the provisions of Section 8150.5 may be used for the purpose of salting, curing, smoking or drying, or for the purpose of packing in cans commonly known as quarter-pound or square cans less than 10 ounces in net weight In such 10-ounce cans, fish of a size not less than eight to the can shall be used.

SEC. 5. Section 8154 of the Fish and Game Code is amended to read:

8154. Any person engaged in canning sardines incidentally taken pursuant to the provisions of Section 8150.5 may take and use in a reduction plant 32½ percent of the amount of sardines actually received at his canning plant during each calendar month.

SEC. 6. Section 8155 of the Fish and Game Code is amended to read:

8155. In determining the percentage of sardines incidentally taken pursuant to the provisions of Section 8150.5 that may be used for reduction purposes by a cannery, it shall be deemed that a ton of sardines suitable in size and condition for canning will produce 960 one-pound oval cans of sardines, or the equivalent if other size cans are used.

SEC. 7. Section 8156 of the Fish and Game Code is amended to read:

8156. Sardines incidentally taken pursuant to the provisions of Section 8150.5, preserved by the common methods of drying, salting, smoking, or pickling, or fish delivered mixed with sardines, as are unfit for drying, salting, smoking, or pickling, which are not intentionally taken into the plant in a condition unfit for processing for human consumption may be used in a reduction plant or by a reduction process.

SEC. 8. Section 8157 of the Fish and Game Code is repealed.

SEC. 9. Section 8158 of the Fish and Game Code is repealed.

SEC. 10. Section 8780 of the Fish and Game Code is amended to read:

8780. As used in this chapter, the term "bait net" means a lampara or round haul type net the mesh of which is constructed of twine not exceeding Standard No. 9 medium cotton seine twine or synthetic twine of equivalent size or strength. The net shall not have rings along the lead line or any method of pursing the bottom of the net.

Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 19A, 19B, 20A, 21, 118 and 118.5.

In District 19B bait nets may be used only to take sardines, anchovies, queenfish, white croakers, and smelt for bait only. Such nets may not be used within 750 feet of Seal Beach Pier, Belmont Pier, or Rainbow Pier.

In District 19A bait nets may be used to take sardines, smelt, anchovies, queenfish and white croaker except that sardines taken for canning purposes may be taken only during the season specified in Section 8151. No other species of fish may be taken or possessed on any boat carrying a bait net in District 19A.

Nothing in this section prohibits the use of bait nets in Districts 19A and 19B for taking fish for use as fishfood in state fish hatcheries.

Notwithstanding the other provisions of this section, bait nets shall not be used to take sardines in violation of the provisions of Section 8150.5.

SEC. 11. The Department of Fish and Game shall prepare a comprehensive master inventory and preliminary master plan for utilization of all ocean fish resources from existing

scientific information which shall include, but not limited to, the biology, history, statistics, and economics of the fisheries, for the purpose of providing future programs for the management and proper use of all ocean fish resources including the development of programs for the harvesting of latent stocks of fish and coordinating the efforts of state, federal, and academic institutions to more effectively resolve problems involving these resources. The department shall complete and submit to the Legislature such master inventory and preliminary master plan not later than the fifth legislative day of the 1971 Regular Session.

In preparing such inventory and plan, as a first phase, the department shall prepare a comprehensive inventory from all available studies of the pelagic wet fish and related species resources, including, but not limited to, the species of anchovy, hake, jack mackerel, Pacific mackerel, sardines, saury, and squid. The department shall report its conclusions based on such studies as to the management and utilization of the resources with particular emphasis upon the interrelationship of competing uses and the inventory shall include an enumeration of the latent resources available. The department shall present such first phase inventory to the Legislature not later than the fifth legislative day of the 1970 Regular Session.

CHAPTER 1385

An act to amend Section 26155 of the Government Code, relating to county contributions.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 26155 of the Government Code is amended to read:

26155. The board of supervisors may authorize and provide for contributions to nonprofit educational radio and television stations, provided all of the following conditions exist:

(1) The purpose of the contribution is to enable the citizens of the county to enjoy greater educational and cultural advantages.

(2) A substantial number of the residents of the county live within the reception area of the station.

(3) The station regularly broadcasts programs which have educational or cultural significance.

(4) The contribution is to the general funds of the station and not for or in connection with any particular program.

(5) The contribution is not accompanied, directly or indirectly, by any direction of, sponsorship of, control of, or restriction of any program or the content of any program.

This section does not in any way restrict the power of the board of supervisors to provide for expenditures for other authorized purposes including, but not limited to, the purposes specified in Sections 26100, 26103, 26106, 26152, or 26153.

CHAPTER 1386

An act to add Section 14124 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 14124 is added to the Welfare and Institutions Code, to read:

14124. Notice of any suspension under Section 14123, along with any information obtained as a result of the director's investigation shall be sent by the director to the appropriate state licensing, certifying or registering authority. The director may in any event provide information obtained as a result of its investigation to such appropriate state agency at any time.

Nothing contained in this section shall limit the state licensing, certifying or registering authority's power to conduct at any time independent investigations and proceedings concerning the revocation or suspension of any person's license, certificate or registration. No action taken by the state licensing, certifying, or registering authority shall have any effect upon a suspension under Section 14123.

The word "suspension" as used in this section shall mean a final suspension after all administrative and judicial remedies are exhausted.

CHAPTER 1387

An act to add Sections 146 and 147 to the Labor Code, relating to the Industrial Safety Board.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 146 is added to the Labor Code, to read:

146. The Industrial Safety Board shall meet on the first Tuesday of the last month of each calendar quarter. The meetings shall be rotated throughout the state at locations designated by the chairman. All meetings held by the board shall be open and public. Notice of board meetings shall be published in Sacramento, San Francisco, Fresno, Los Angeles and

San Diego in papers of general circulation not more than 30 days and not less than 10 working days prior to each such meeting. Written notice of all such meetings shall be given to all persons who request such notice in writing directed to the Director, Department of Industrial Relations.

SEC. 2. Section 147 is added to the Labor Code, to read:

147. At each of its quarterly meetings, the board shall make time available to interested persons to propose new or revised orders appropriate for adoption pursuant to Chapter 3 (commencing with Section 6500) of Part 1 of Division 5. The board shall consider issuing such proposed orders by no later than its next quarterly meeting.

CHAPTER 1388

An act to amend Section 13599.2 of the Education Code, relating to special education programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 13599.2 of the Education Code is amended to read:

13599.2. Instructional aides shall not be utilized to increase the number of pupils in relation to the number of classroom teachers in any school, any school district, or in the state. Notwithstanding the foregoing provisions, class size ratios existing in special education classes prior to November 13, 1968, may be maintained or decreased, but not increased, by use of instructional aides.

All instructional aide positions in a school district shall be assigned the basic title of "instructional aide" or other appropriate title designated by the governing board. To provide for differences in responsibilities and duties, additions to the basic title may be assigned such as "instructional aide I or II" or "instructional aide—volunteer," or other appropriate title.

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:

Statutes enacted in 1968, by rendering inoperative certain State Board of Education class size regulations, have adversely affected the conduct of special education programs. In order that these special education programs can continue to be conducted in accordance with established practices and procedures, it is essential that this act take effect immediately.

CHAPTER 1389

An act to amend Section 3507.5 of the Government Code, relating to public employee organizations.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 3507.5 of the Government Code is amended to read:

3507.5. In addition to those rules and regulations a public agency may adopt pursuant to and in the same manner as in Section 3507, any such agency may adopt reasonable rules and regulations providing for designation of the management and confidential employees of the public agency and restricting such employees from representing any employee organization, which represents other employees of the public agency, on matters within the scope of representation. Except as specifically provided otherwise in this chapter, this section does not otherwise limit the right of employees to be members of and to hold office in an employee organization.

CHAPTER 1390

An act to amend Section 393 of the Military and Veterans Code, relating to military personnel.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 393 of the Military and Veterans Code is amended to read:

393. When an action or proceeding of any nature is commenced in any court against an active member of the militia or a member of the militia in active service in pursuance of an order of the President of the United States as a result of a state emergency for an act done by such member in his official capacity in the discharge of duty, or an alleged omission by him to do an act which it was his duty to perform, or against any person acting under the authority or order of an officer, or by virtue of a warrant issued by him pursuant to law, the defendant may require the person instituting or prosecuting the action or proceeding to file security in an amount of not less than one hundred dollars ($100), to be fixed by the court, for the payment of costs that may be awarded to the defendant therein. The defendant in all cases may make a general denial and give special matter in evidence. A defendant in whose favor a final judgment is rendered in

any such action or proceeding shall recover treble costs. The Attorney General shall defend such active member or person where the action or proceeding is civil. The senior judge advocate on the state staff or one of the judge advocates shall defend such active member or person where the action or proceeding is criminal, and the Adjutant General shall designate the senior judge advocate on the state staff, or one of the judge advocates, to defend such active member or person.

In the event such active member or person is not indemnified by the federal government, Section 825 of the Government Code shall apply to such active member or person.

CHAPTER 1391

An act to add Section 11479.5 to the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 11479.5 is added to the Education Code, to read:

11479.5. Notwithstanding any other provision of law, the average daily attendance of pupils enrolled in summer schools shall be credited to the junior college district in the fiscal year in which the last day of the summer school falls.

SEC. 2. Notwithstanding any other provision of law, the average daily attendance in school districts in which the certificated personnel were paid for Monday, July 21, 1969, shall be deemed to be the actual attendance taken on July 22, 1969. Further, notwithstanding any other provision of law, that day shall, at the election of the governing board of the district, for purposes of any requirements prescribed by or pursuant to law concerning the content of any course of instruction or the time to be devoted to instruction therein during the summer session, be deemed to have been a day upon which instruction in any such course was regularly given at the schools of the district and a day upon which each pupil was in attendance upon any such course in which he was regularly enrolled.

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 to permit the accurate computation of school attendance for summer schools conducted during 1969 during the time that such schools are in session, it is necessary that this act take effect immediately.

CHAPTER 1392

An act to amend Sections 16859 and 16860 of the Education Code, relating to schoolbuses.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. It is the intention of the Legislature that the governing board of a school district or the county superintendent of schools may use schoolbuses or may contract for their use to provide transportation for any activities deemed by the governing board or the county superintendent to be education related.

SEC. 2. Section 16859 of the Education Code is amended to read:

16859. The governing board of any school district may use schoolbuses, or may contract with other school districts or with the county superintendent of schools, to provide transportation in connection with school-related activities. The transportation may be provided for school district employees, one adult person related to each such employee as may be designated by the governing board, and volunteer adults who are officially assisting in the supervision of pupils.

SEC. 3. Section 16860 of the Education Code is amended to read:

16860. The county superintendent of schools of any county may use schoolbuses under his jurisdiction, or may contract with school districts within his county, to provide transportation in connection with school-related activities. The transportation may be provided for county school employees, one adult person related to each such employee as may be designated by the county superintendent, and volunteer adults who are officially assisting in the supervision of pupils.

CHAPTER 1393

An act to add Chapter 13 (commencing with Section 25970) to Division 20 of the Health and Safety Code, relating to dogs.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Chapter 13 (commencing with Section 25970) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 13. DOGS

Article 1. Definitions and General Provisions

25970. This chapter may be cited as "The Dog Act of 1969."

25971. For the purposes of this chapter, "sentry dog" means a dog trained to work without supervision in a fenced facility and to deter or detain unauthorized persons found within the facility.

25972. For the purposes of this chapter, "narcotic detection dog" means a dog trained to locate narcotics by scent.

25973. For the purposes of this chapter, "tracker or attack dog" means a dog trained to work with a handler in searching out facilities for burglary suspects and other intruders.

25974. For the purposes of this chapter, "sentry dog company" means any person who agrees to furnish trained sentry, attack, or narcotic detection dogs for hire.

25975. For the purposes of this chapter "dog handler" means any person trained in the handling of dogs which training includes the care, feeding, and maintenance of dogs, and the procedures necessary to control the behavior of a dog subject to the provisions of this chapter.

25976. For the purposes of this chapter "hire" shall include, but not be limited to, the renting or leasing of the services of a dog with or without a dog handler, or the sale of a dog with an option to repurchase.

Article 2. Dog Registration

25980. Each sentry dog company shall register each dog subject to this chapter which it handles with the local law enforcement agency and with the state, city, county, or district fire department which has the responsibility for the prevention and suppression of fires in the area in which the sentry dog company is located.

25981. Each sentry dog company which handles a dog subject to this chapter shall notify such appropriate local law enforcement agency and such appropriate fire department by mail not more than 15 days before a dog is sent on an assignment of the location and duration of such assignment. The local law enforcement agency and fire department shall maintain a file of such assignments.

Article 3. Requirements

25984. Each dog subject to the provisions of this chapter shall, at all times, wear an identification tag. The identification tag shall be provided by the sentry dog company furnishing such dog for hire. Such identification tag shall contain, but not be limited to, the following information:

(a) The name of the dog;

(b) The name, address, and telephone number of the sentry dog company furnishing the dog for hire. Any telephone number so provided shall be to a telephone which is manned by a person 24 hours per day every day of the year so that calls of the public may be received and answered.

The identification tag required by this section shall be in addition to any tag required or issued by any agency of government to show that a dog has been immunized or inoculated against disease.

25984.1. Whenever a dog subject to this chapter is being transported anywhere, it shall be well secured in a humane manner as will reasonably prevent its possible escape.

25984.2. Each dog subject to this chapter shall, wherever and whenever the dog is kept when on actual duty, be visited by a dog handler at least once every 12 hours to insure that the dog's physical condition, its surroundings, and its food and water supply are adequate, and if inadequate, the dog handler shall do whatever may be necessary to correct or remedy the situation. Such dog handler shall be either the owner of, or be employed by or under contract to, the sentry dog company which placed the dog on assignment.

Article 4. Violations

25987. Any violation of any provision of this chapter shall be punishable by a fine of one hundred dollars ($100).

CHAPTER 1394

An act to amend Sections 19124, 19132.3, and 19150 of the Health and Safety Code, relating to earthquake protection of buildings.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 19124 of the Health and Safety Code is amended to read:

19124. The Division of Building and Housing Standards of the Department of Housing and Community Development may enforce any provision of this chapter which it finds is being violated in a building hereafter constructed, after it has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation within the following 10 days. In such cases where the division processes applications for building permits the fees prescribed in this chapter shall be payable to the division.

SEC. 2. Section 19132.3 of the Health and Safety Code is amended to read:

19132.3. The governing body of any city or county may adopt an ordinance prescribing fees for filing applications as will pay the expenses of the enforcement agency incurred in issuing permits pursuant to this chapter. Where the Department of Housing and Community Development is the enforcement agency, the Commission of Housing and Community Development may establish a schedule of fees to pay the cost of administration and enforcement of this chapter. 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.

SEC. 3. Section 19150 of the Health and Safety Code is amended to read:

19150. Every building or structure and every portion thereof shall be designed and constructed to resist stresses produced by lateral forces as provided in Article 23 (commencing with Section 723.01), Part VI, Title 24, California Administrative Code. Stresses shall be calculated as the effect of a force applied horizontally at each floor or roof level above the foundation. The force shall be assumed to come from any horizontal direction In areas where the Division of Building and Housing Standards of the Department of Housing and Community Development is the enforcement agency, plumbing and electrical equipment and installations shall be subject to the rules and regulations adopted pursuant to Sections 17921 and 17922 of this code.

CHAPTER 1395

An act to amend Section 13456 of the Education Code, relating to leaves of absence.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 13456 of the Education Code is amended to read:

13456. The governing board of any school district shall provide for such leave of absence from duty as it deems appropriate for any female employee of the district who is employed in a position requiring certification qualifications and who is required to absent herself from her duties because of pregnancy or convalescence following childbirth, and shall adopt reasonable rules and regulations prescribing the manner of proof of pregnancy, the point during the course of the pregnancy at which leave of absence shall be taken, and the length of time for which the leave of absence shall continue after birth of the child. Anything in Sections 13467 and 13469 to the contrary notwithstanding, the board may also provide in

the rules and regulations whether leave granted under this section shall be with or without pay and, if with pay, the amount, if any, to be deducted from the salary due the employee for the period in which the absence occurs.

Nothing in this section shall be construed so as to deprive any employee of sick leave rights under other sections of this code for absences due to illness or injury resulting from pregnancy.

The leave provided for in this section is in addition to any other leave provided for by law.

This section shall not be construed as requiring the governing board of a school district to grant leave under this section only with pay.

CHAPTER 1396

An act relating to the California Districts Securities Commission.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Notwithstanding any other provision of law, the powers, duties and responsibilities heretofore exercised by the California Districts Securities Commission pursuant to any provision of law shall be assumed and exercised by the State Treasurer upon the date the Governor's Reorganization Plan No. 1 of 1969 becomes operative. Upon that date the California Districts Securities Commission is abolished, and the staff of the commission and all files, records, and equipment appurtenant thereto shall be transferred to the office of the State Treasurer. The State Treasurer may, in his discretion, create a board to assist him in carrying out these powers, duties and responsibilities.

CHAPTER 1397

An act to amend Section 16803 of the Education Code, relating to school transportation.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 16803 of the Education Code is amended to read:

16803. (a) Continuing contracts for the furnishing of transportation of pupils in school districts to and from school, if made, shall be made for a term not to exceed five years

Such contracts shall be renewable at the option of the school district and the party contracting to provide transportation services, jointly, at the end of each term of the contract at a rate not more than 5 percent above the rate currently set pursuant to the existing contract. The contract as renewed shall include, other than the rates of the previous contract, all of the terms and conditions of the previous contract, including any provisions increasing rates based on increased costs.

(b) Continuing contracts may be made for the lease or rental of schoolbuses, not to exceed five years, except that if such a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, such contract may be made for a term not to exceed 10 years.

CHAPTER 1398

An act to add Section 24010 to the Government Code, relating to coroners.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 24010 is added to the Government Code, to read:

24010. Notwithstanding any other provision of law, the board of supervisors may by ordinance abolish the office of coroner and provide instead for the office of medical examiner, to be appointed by the said board and to exercise the powers and perform the duties of the coroner. The medical examiner shall be a licensed physician and surgeon duly qualified as a specialist in pathology.

CHAPTER 1399

An act to amend Sections 408 and 1622.5 of, and to add Section 1624.3 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b) and (c) any information and records in the assessor's office which are not required by law to be kept or prepared by the

assessor are not public documents and shall not be open to public inspection.

(b) The assessor shall provide any market data in his possession to an assessee of property or his designated representative upon request and shall permit an assessee of property or his designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property, except information and records which also relate to the property or business affairs of a person other than the assessee unless ordered to do so by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his assessment of the assessee's property, in whole or in part, on such comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of such property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing such market data, the assessor shall not display any document relating to the business affairs or property of another.

SEC. 2. 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 assessment appeals boards may assign one or more members from one board to serve temporarily as members of another board, and

(b) The board of supervisors may appoint alternate members for each board. Whenever any regular member of a board is temporarily unable to act as a member of the board, an alternate member may sit on the board and shall have the same authority to act as a regular member. Where such alternate member is likewise temporarily unable to act the clerk may assign an alternate member of the same board or of any other board to act as a member of the board and such 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 alternate members for the board. Whenever any regular member of the board is temporarily unable to act as a member of the board, an alternate member may sit on the board and shall have the same authority to act as a regular member.

SEC. 3. Section 1624 3 is added to the Revenue and Taxation Code, to read:

1624.3. The party affected by an equalization proceeding or his agent, or the assessor, may make and file with the clerk of the assessment appeals board in which the proceeding is pending a peremptory challenge in writing of one member of the board. Thereupon, without any further act or proof, the clerk shall assign a member to replace the member so challenged.

In those counties in which at least 20 days' notice is given of an equalization proceeding, a peremptory challenge pursuant to this section shall be made at least 5 days prior to the date of such proceeding. In all other counties, a peremptory challenge may be made at any time prior to the equalization proceeding.

SEC. 4. The provisions of this act shall apply to equalization proceedings for the 1970–1971 assessment and assessment years thereafter.

CHAPTER 1400

An act to add Section 24 to the Burton Act (Chapter 1333 of the Statutes of 1968), relating to the Harbor of San Francisco, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 2, 1969]

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

SECTION 1. Section 24 is added to the Burton Act (Chapter 1333 of the Statutes of 1968), to read:

Sec. 24. No amendment, modification, or revocation, in whole or in part, of the transfer of lands in trust provided for in this act, whether made pursuant to Sections 9, 18, 19 or 22, or otherwise, shall impair or affect the rights or obligations of third parties, including the holders of revenue bonds or securities issued by the Harbor Commission of San Francisco and payable out of revenues of the harbor, lessees, lenders for value, holders of contracts conferring the right to the use and occupation of, or the right to conduct operations upon or within, such lands, arising from leases, contracts, or other instruments lawfully entered into prior to the effective date of such amendment, modification, or revocation.

In the event, at the effective date of any such amendment, modification, or revocation, there are in effect any such leases, contracts, or other instruments the state may, at its option exercised by, and evidenced by appropriate action on the part of, the State Lands Commission, succeed to the interest in any such instrument of the City and County of San Francisco; otherwise the interest of the City and County of San Francisco in any such instrument then in effect shall continue during the term or other period of time during which such instrument shall remain in effect; and provided further, that in any event all revenue bonds or securities issued by the Harbor Commission of San Francisco and payable out of revenues of the harbor shall continue to be so payable and secured in all respects as provided in the proceedings for their issuance and the revenues of the harbor shall be pledged to and applied to the payment of such revenue bonds or securities in all respects as though no such amendment, modification, or revocation had taken place.

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 revenue bonds be sold at the earliest possible time to provide needed funds for the Harbor of San Francisco. The provisions of this act are necessary to protect the interests of the bondholders, and in order to insure that this act will be in effect soon enough to be applicable to the next issue of bonds, it is necessary that the act go into immediate effect.

CHAPTER 1401

An act to amend Sections 13189, 13190, 13191.1, and 13192 of the Education Code, relating to teachers' credentials.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 13189 of the Education Code is amended to read:

13189. The minimum requirements for the standard teaching credential with a specialization in elementary teaching shall be all requirements specified in (a), (b), either (c) or (d), and (e):

(a) Five years (with the fifth year to be completed within seven years of the first employment of the certificated employee in elementary teaching), or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by the State Board of Education.

(c) One of the following:

(1) A major in an academic subject matter area commonly taught in the public elementary schools. The State Board of Education may define a diversified major in academic subject areas commonly taught in the public elementary schools to fulfill this requirement.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public elementary schools, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public elementary schools and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (c).

(d) A diversified major, hereby declared to be an academic subject matter major, totaling 84 semester hours of coursework in the enumerated subject matter areas, with 19 to 23 semester hours in each of the first four of the following areas:

(1) English, including grammar, literature, composition, and speech.

(2) Mathematics and the physical or life sciences.

(3) Social sciences (other than education and education methodology).

(4) Humanities and fine arts, including foreign language.

(5) Health science.

Four semester hours of coursework meet the health science requirement.

Coursework in the listed fields taken in fulfillment of any other requirements that may be specified by the State Board of Education pursuant to subdivision (e) shall be credited toward this major. Notwithstanding any additional requirements as may be prescribed by the State Board of Education, the academic subject matter requirements set forth in this subdivision (d) shall constitute the total of such requirements for the standard teaching credential with a specialization in elementary teaching and with a diversified major as defined in this subdivision (d).

Notwithstanding any provisions of this section to the contrary, a California State College may approve a major in education, provided that such major meets the requirements of the diversified major as set forth in this subdivision (d) and that all coursework used to meet such requirements be provided in the several academic schools or departments, other than the

school or department of education or educational methodology, of the institution. In addition to such major in education, a major in a subject matter area commonly taught in the public elementary schools shall be completed within the fifth academic year required in subdivision (a) of this section.

(e) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent in teaching experience. Such additional requirements shall include provisions for specialized preparation whenever the credential authorizes any service described in Section 13188(b).

(f) All public institutions of higher learning authorized to recommend the issuance of the standard teaching credential with specialization in elementary teaching shall offer courses meeting the minimum state requirements for professional preparation, including student teaching, in the upper division of their course offerings.

SEC. 2. 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 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 any subject in which he has 18 semester hours of coursework or 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.

(2) 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, in continuation high schools, or in high schools, elementary-level reading.

SEC. 3. Section 13191.1 of the Education Code is amended to read:

13191.1. The standard teaching credential with a specialization in secondary teaching may be granted on a partial fulfillment of requirements basis and the entire fifth year of preparation may be postponed subject to completion within a minimum of five years on an orderly year-by-year basis from the date the credential is granted if all of the following circumstances are met:

(1) The applicant states in writing that he intends to complete all of the requirements for the credential within the five-year period.

(2) An official of a school district states in writing that the applicant will be employed in that district to serve under the partial credential if it is granted, or a comparable statement made by a county superintendent of schools or an official of a state agency.

(3) The county board of education in which the employing school district is located has found and declares that a shortage of teachers exists in that district in the teaching field or in the teaching fields of the applicant's major or minor. The credential may be changed for service in another school district of the same county when the applicant has fulfilled his contract or is released from it, or to a school district in another county when he has fulfilled his contract or is released from it. However, the county board in the new county must have found that a shortage in the appropriate teaching field or fields exists.

The State Board of Education shall establish guidelines by which county boards of education can determine the teacher shortages.

This section shall be operative only until September 30, 1970, and shall thereafter have no further force and effect.

SEC. 4. Section 13192 of the Education Code is amended to read:

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach, in grades 7 to 12, inclusive, any course, except in special education, in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board; except that a holder may teach only any of those subjects commonly

taught in the public high schools in which he has completed 18 or more semester hours of coursework or nine semester hours of upper division or graduate coursework. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(e) Teach, in grades 13 and 14 any course, except courses in special education, in which the holder has completed a subject matter major or minor that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year The authorization may be renewed annually by resolution of the governing board.

(f) 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.

Nothing in this section shall be construed to prohibit the holder of a standard credential specializing in secondary teaching with a major or minor in music or art, from teaching music or art in the elementary grades of a school district.

CHAPTER 1402

An act to amend Sections 4800, 4801, 4802, and 4803 of the Labor Code, relating to service disability of enforcement personnel of the California Highway Patrol, Bureau of Narcotic Enforcement, and Bureau of Criminal Identification and Investigation.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Section 4800 of the Labor Code is amended to read:

4800. Whenever any member of the California Highway Patrol or any member of the Bureau of Narcotic Enforcement, or member of the Bureau of Criminal Identification and Investigation of the Department of Justice falling within the "law enforcement" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol, narcotics bureau, or criminal identification and investigation bureau 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, the Bureau of Narcotic Enforcement and the Bureau of Criminal Identification and Investigation whose principal duties consist of active law enforcement and shall not apply to persons employed in the Department of the California Highway Patrol or the Bureau

of Narcotic Enforcement or Criminal Identification and Investigation 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. 2. 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 the California Highway Patrol or Department of Justice, 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. 3. Section 4802 of the Labor Code is amended to read:

4802. Any such member of the California Highway Patrol or Bureau of Narcotic Enforcement, or Bureau of Criminal Identification and Investigation, or any such harbor policeman, so disabled is entitled from the date of injury and regardless of retirement under the Public 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 the California Highway Patrol, the Department of Justice, 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. 4. Section 4803 of the Labor Code is amended to read:

4803. Whenever such disability of such member of the California Highway Patrol, or Bureau of Narcotic Enforcement, or Bureau of Criminal Identification and Investigation, or of such harbor policeman, continues for a period beyond one year, such member 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 the California Highway Patrol, the Department of Justice, or the San Francisco Port Authority, as the case may be, and the leave of absence shall continue.

SEC. 5. Section 4800 of the Labor Code is amended to read:

4800. Whenever any member of the California Highway Patrol, the California State Police, or any member of the Bureau of Narcotic Enforcement or member of the Bureau of Criminal Identification and Investigation of the Department of Justice falling within the "law enforcement" class is disabled by injury arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the patrol, State Police, Narcotics Bureau, or Criminal Identification and Investigation Bureau 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, the California State Police, the Bureau of Narcotic Enforcement, and the Bureau of Criminal Identification and Investigation whose principal duties consist of active law enforcement and shall not apply to those persons employed in the Department of the California Highway Patrol, the Department of General Services, the Bureau of Narcotic Enforcement, and Bureau of Criminal Identification and Investigation whose principal duties are those of telephone operator, clerk, stenographer, machinist, mechanic, security officer 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 only to those members of the California State Police who are graduates of an academy certified by the Commission on Peace Officers Standards and Training.

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. It is the intent of the Legislature, if amendments to Section 4800 of the Labor Code proposed by both this bill and A.B. 864 are enacted, that both amendments be given effect and incorporated in Section 4800 in the form set forth in Section 5 of this act. Therefore, in the event A.B. 864 is enacted and amends Section 4800, Section 5 of this act shall become operative at the same time that Section 4800 as amended by A.B. 864 becomes operative, and at that time, Section 4800 of the Labor Code as amended by Section 1 of this act is repealed.

SEC. 7. 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 the California Highway Patrol or Department of Justice, and, in the case of members of the California State Police, upon request of the Department of General Services, 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. 8. It is the intent of the Legislature, if amendments to Section 4801 of the Labor Code proposed by both this bill and A B. 864 are enacted, that both amendments be given effect and incorporated in Section 4801 in the form set forth in Section 7 of this act. Therefore, in the event A.B. 864 is enacted and amends Section 4801, Section 7 of this act shall become operative at the same time that Section 4801 as amended by A.B. 864 becomes operative, and at that time, Section 4801 of the Labor Code as amended by Section 2 of this act is repealed.

SEC. 9. Section 4802 of the Labor Code is amended to read:

4802. Any such member of the California Highway Patrol, California State Police, Bureau of Narcotic Enforcement, Bureau of Criminal Identification and Investigation, or any such harbor policeman, so disabled is entitled from the date of injury and regardless of retirement under the Public 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 the California Highway Patrol, the Department of General Services, the Department of Justice, 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. 10. It is the intent of the Legislature, if amendments to Section 4802 of the Labor Code proposed by both this bill and A.B. 864 are enacted, that both amendments be given effect and incorporated in Section 4802 in the form set forth in Section 9 of this act. Therefore, in the event A.B. 864 is enacted and amends Section 4802, Section 9 of this act shall become operative at the same time that Section 4802 as amended by A.B. 864 becomes operative, and at that time, Section 4802 of the Labor Code as amended by Section 3 of this act is repealed.

SEC. 11. Section 4803 of the Labor Code is amended to read:

4803. Whenever such disability of such member of the California Highway Patrol, Bureau of Narcotic Enforcement, Bureau of Criminal Identification and Investigation, the California State Police, or of such harbor policeman, continues for a period beyond one year, such member 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 the California Highway

Patrol, the Department of Justice, the Department of General Services, or the San Francisco Port Authority, as the case may be, and the leave of absence shall continue.

SEC. 12. It is the intent of the Legislature, if amendments to Section 4803 of the Labor Code proposed by both this bill and A.B. 864 are enacted, that both amendments be given effect and incorporated in Section 4803 in the form set forth in Section 11 of this act. Therefore, in the event A.B. 864 is enacted and amends Section 4803, Section 11 of this act shall become operative at the same time that Section 4803 as amended by A.B. 864 becomes operative, and at that time, Section 4803 of the Labor Code as amended by Section 4 of this act is repealed.

CHAPTER 1403

An act to add Article 4 (commencing with Section 24561) to Chapter 1, Part 1, Division 12 of the Agricultural Code, relating to poultry, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1969. Filed with Secretary of State September 2, 1969.]

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

SECTION 1. Article 4 (commencing with Section 24561) is added to Chapter 1, Part 1, Division 12 of the Agricultural Code, to read:

Article 4. Poultry Regulations and Inspections

24561. Notwithstanding any provisions of law to the contrary, the director may adopt by regulation standards and requirements equal to those of the Poultry Products Inspection Act (71 Stat. 441, 21 U.S.C. 451, et seq. as amended by the Wholesome Poultry Products Act, Pub. Law 90-492), including, but not limited to, standards and requirements of inspection, sanitation, reinspection, preparation, processing, buying, selling, transporting, storing, identification, recordkeeping, registration, and labeling. The regulations shall not be less restrictive than state statutory requirements. The director may enter into cooperative agreements with departments, divisions, bureaus, boards, or commissions of the United States to enforce such standards and requirements in this state.

24562. Regulations adopted pursuant to this article or pursuant to Section 24681 or Section 24991 shall conform, so far as practicable, to the rules, regulations and standards of the United States Department of Agriculture which govern the inspection, preparation, and processing of poultry meat and poultry meat food products.

24563. If slaughtering or carcass preparation or processing of poultry meats and poultry meat products is conducted in an establishment where state inspection is maintained at hours considered overtime for state employees or on legal holidays, the owner or operator of the establishment shall, by contract or agreement with the department, make arrangement to defray the additional cost for salaries and expenses for persons employed by the department to conduct the necessary poultry meat inspection work during the overtime periods.

Moneys collected pursuant to this section shall be deposited in the General Fund.

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 for the Director of Agriculture to make any changes in state inspection regulations to meet new federal standards as soon as possible and in order to qualify for federal funds, this act must take effect immediately.

CHAPTER 1404

An act to add a chapter heading immediately preceding Section 13975 of, and to add Chapter 2 (commencing with Section 13990) to Part 4.5 of Division 3 of Title 2 of, the Government Code, relating to transportation.

[Approved by Governor August 31, 1969 Filed with Secretary of State September 2, 1969.]

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

SECTION 1. A chapter heading is added to the Government Code immediately preceding Section 13975, to read:

CHAPTER 1. GENERAL DUTIES AND POWERS

SEC. 2. Chapter 2 (commencing with Section 13990) is added to Part 4.5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 2. CALIFORNIA TRANSPORTATION BOARD

13990. The Legislature finds and declares that the people of California have a fundamental and continuing interest in developing and operating transportation services and facilities which are consistent and compatible with orderly social and economic progress of the state. To provide the Secretary of Business and Transportation and the Legislature with advice and assistance in a broad overview of the effectiveness and

compatability of public programs in transportation in relation to other public programs and private enterprises, there is hereby established in the Business and Transportation Agency the State Transportation Board.

13990.1. "Board" as used in this chapter shall mean the State Transportation Board.

13990.2. There is in the Business and Transportation Agency a State Transportation Board. The board consists of seven members, appointed by the Governor with consent of the State Senate. The members shall serve at the pleasure of the Governor. The chairmen of the Senate and the Assembly Transportation Committees shall be ex officio members without vote and together shall constitute a Joint Legislative Committee on Transportation, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

13990.3. The members of the board shall serve without compensation but shall receive their actual and necessary traveling expenses incurred in the exercise of their duties.

13990.4. The appointed members of the board shall designate a chairman of the board by majority vote to preside at all meetings. He shall serve for a one-year term and may not serve more than two successive terms.

13990.5. The chairman shall call the meetings of the board and it shall meet at least four times a year.

13990.6. The functions and duties of the board shall be to advise and assist the Secretary of Business and Transportation and the Legislature in formulating and evaluating state policy and plans for transportation programs within the state. In addition it shall perform the following specific duties:

(a) Request and review reports from the Office of Transportation Planning and Research, and from other sources as it may determine, pertaining to public financial participation in transportation system development, planning, construction, and operation, including the extent and nature of participation by local, regional, state, and federal governments.

(b) Review master plans for major portions of the overall statewide transportation system, including but not limited to such plans as the California Freeway and Expressway System, the State Aviation Master Plan, and regional transportation plans developed by such organizations as the Bay Area Transportation Study Commission, the Transportation Association of Southern California, the San Diego Comprehensive Planning Organization.

(c) Review the transportation implications of major statewide and regional comprehensive general plans, including, but not limited to such plans as the State Development Plan, the State Parks and Recreation Plan, reports of the San Francisco Bay Conservation and Development Commission, the Southern California Association of Governments, and the Association of Bay Area Governments.

(d) Based upon said reviews of financing and master plans, present such advice and recommendations as it deems appropriate to the Secretary of Business and Transportation.

(e) Assist, if so requested, in the determination of geographic boundaries of regional transportation districts utilizing wherever possible the logical groupings of cities and counties as established by existing planning agencies and provide appropriate recommendations to the secretary and to the Legislature for their establishment.

(f) Assist any appropriate committee of the Legislature whose activities relate to the transportation field, if requested, in the field of overall balanced transportation, or any segment thereof.

CHAPTER 1405

An act to add Section 24053.1 to the Education Code, relating to the California State Colleges.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 24053.1 is added to the Education Code, to read:

24053.1. In order to more capably assess the needs of the California State Colleges, the Legislature declares its intent to acquire an accurate description of the relationship between state funds appropriated to the California State Colleges and the actual expenditure of such funds.

The trustees shall present to the Legislature and to the Legislative Analyst a description of such relationships for the 1969–1970 fiscal year by November 1, 1970.

In order to facilitate such presentations, the president of each state college shall present to the trustees and to the Legislative Analyst within 90 days after the end of the 1969–1970 fiscal year a report which compares in detail, as determined by the Department of Finance, Legislative Analyst, and the trustees, the actual expenditures by the particular state college with the state funds appropriated therefore by the Budget Act or any other appropriation measure for such fiscal year within the expenditure classifications for which state funds were appropriated. The president shall present a list of deviations of actual expenditures from the appropriations, with an explanation in such detail as is required above of each of the deviations.

The Legislative Analyst, the Department of Finance, and the trustees may require such other information to be presented as they deem useful in carrying out the purposes of this section.

CHAPTER 1406

An act to add Sections 23620, 24053.1, 24053.2, and 24053.3 to the Education Code, relating to state colleges.

[Approved by Governor September 2, 1969 Filed with Secretary of State September 3, 1969]

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

SECTION 1. Section 23620 is added to the Education Code, to read:

23620. The Trustees of the California State Colleges shall establish an internal audit staff which shall include such staff positions as may be presently authorized for internal auditing. The internal auditing staff shall report directly to the trustees and shall be available for consultation with any audit committee of the trustees which may be established by the trustees.

The duties of the internal audit staff shall include, but shall not be limited to, auditing, reviewing, cost and systems analysis, analyzing, and recommending operating procedures for the California State Colleges.

Management audits shall be made to determine the effectiveness and efficiency of the organization, operation, and procedures of each state college and the Office of the Chancellor. Officials and employees of each state college and the Office of the Chancellor shall furnish all books, papers, contracts, management charts, and related information necessary for such management audits.

SEC. 2. Section 24053.1 is added to the Education Code, to read:

24053.1. All appropriations for the support of the California State Colleges and the trustees shall be subject to the provisions of Section 13320 of the Government Code and applicable budget act restrictions, with the following exceptions:

(a) The trustees may approve any transfer of funds within functions for which funds are appropriated for the support of the California State Colleges. In addition, the trustees may authorize the augmentation of the amount available for a category designated in any schedule set forth for such appropriation by transfer from any of the other designated categories, including additional reimbursements within the same schedule, and shall furnish the Joint Legislative Budget Committee a report of such authorizations given during the preceding quarter.

(b) The trustees may approve the substitution of one item of equipment for another within budgetary functions and the use of savings in equipment allotments.

(c) The trustees may approve travel, both within and outside the state, and the payment of allowances and expenses related to travel, moving and the relocation of employees in

accordance with the allowances established by the State Board of Control and within funds appropriated for this purpose.

(d) The trustees may, within funds appropriated for the support of the California State Colleges, establish new positions and make changes in existing positions and the position payroll roster, provided that all such new positions and significant changes, as defined by the Department of Finance, in grade or class of existing positions shall be shown as administrative adjustments in the subsequent budgetary submissions and shall be subject to review during the legislative budget process.

SEC. 3. Section 24053.2 is added to the Education Code, to read:

24053.2. The intent of Section 24053.1 is to give the trustees maximum responsibility within available funds. It is the further intent of the Legislature by said provisions to allow the trustees greater flexibility in their financial affairs and to allow the individual campuses greater flexibility in the expenditure of their appropriations.

SEC. 4. Section 24053.3 is added to the Education Code, to read:

24053.3. All actions of the trustees taken pursuant to Section 24053.1 are limited to the fiscal year in which the action is taken and subject to audit by the Department of Finance, as well as legislative review, prior to extension into the subsequent fiscal year.

CHAPTER 1407

An act to amend Sections 18060 and 18062 of the Education Code, relating to public school transportation.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. 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.

(e) If the Superintendent of Public Instruction determines that the current expense of providing transportation under this section does not equal or exceed the allowance provided for such purpose, then the amount of the deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in accordance with the procedure prescribed in Section 17414. Such amounts withheld shall then be apportioned, on a pro rata basis against the expenses, to those districts which maintain and operate vehicles exclusively for the transportation of handicapped pupils. In no case shall any district receive an amount greater than its total current expense in providing such transportation.

SEC. 2. 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 the California School for the Blind or to the California School for the Deaf or to some location in another public school 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 as day-class pupils.

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.

If the Superintendent of Public Instruction determines that the current expense of providing transportation under this section does not equal or exceed the allowance provided for such purpose, then the amount of the deficiency shall be withheld from state apportionments to the school district in accordance with the procedure prescribed in Section 17414. Such amounts withheld shall then be apportioned, on a pro rata basis against the expenses, to those districts which maintain and operate vehicles exclusively for the transportation of handicapped pupils. In no case shall any district receive an amount greater than its total current expense in providing such transportation.

CHAPTER 1408

An act to amend Sections 12820, 12821, 12823, 12830, 12830.5, and 12852 of, to add an article heading immediately preceding Section 12832 of, and to repeal Section 12823.1 and the article heading immediately preceding Section 12830 of, the Education Code, relating to testing of public school pupils.

[Approved by Governor September 2, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 12820 of the Education Code is amended to read:

12820. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more basic skills courses.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Scholastic aptitude test" means any standardized test which measures or attempts to measure the academic ability of a pupil at the time of the test.

(d) "State testing program" means the systematic achievement, scholastic aptitude testing, and physical fitness of any or all pupils in grade 6 and grade 12 in any or all schools within a school district.

(e) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including, but not limited to, reading, spelling, basic mathematics, and grammar.

(f) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the ability to communicate ideas, including, but not limited to, literature, history, advanced mathematics, and science.

SEC. 2. Section 12821 of the Education Code is amended to read:

12821. The State Board of Education shall require a minimum testing program in all school districts. It shall adopt rules and regulations governing the methods of administration of the state testing programs.

The State Board of Education shall annually designate or redesignate the achievement, scholastic aptitude test, and the physical performance test, which shall be used during the ensuing school year in the state testing program, except as provided in Section 12824.

It is the intent and purpose of the Legislature that the State Board of Education shall assess the level of student competence and achievement in the various content and basic skill courses commonly taught in the public schools. The Legislature finds and declares that a finding of adequate pupil competence and achievement is essential if public expenditures on education are to be justified.

SEC. 3. Section 12823 of the Education Code is amended to read:

12823. The governing board of a school district shall provide the State Department of Education with the results of any state testing program, except physical performance tests, conducted in the school district upon forms which the Superintendent of Public Instruction may prescribe. The district-wide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

If at the time the State Board of Education designates the physical performance tests to be given, it also requests all or certain named school districts to provide the results thereof, such results shall be furnished and reported by those districts

as provided in this section. This report shall be required at least once every two years.

SEC. 4. Section 12823.1 of the Education Code is repealed.

SEC. 5. The article heading immediately preceding Section 12830 of the Education Code is repealed.

SEC. 6. Section 12830 of the Education Code is amended to read:

12830. The State Board of Education shall adopt achievement tests pursuant to this chapter which adequately evaluate the level of student competence.

SEC. 7. Section 12830.5 of the Education Code is amended to read:

12830.5. The governing board of each school district maintaining grade 6 or grade 12, or both, shall annually administer the achievement tests designated by the State Board of Education at each of such appropriate grade levels.

SEC. 8. An article heading is added immediately preceding Section 12832 of the Education Code, to read:

Article 2. Research Studies in the Effectiveness of Content Courses

SEC. 9. Section 12852 of the Education Code is amended to read:

12852. The State Department of Education shall prepare and submit an annual report to the State Board of Education and to each school district in the state containing an analysis, on a district-by-district basis, of the results of every testing program conducted through a statewide program or on a statewide basis, including tests administered pursuant to the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), which is to include, but is not limited to, an analysis of the following operational factors having a substantive relationship to or bearing on such results:

(a) Maximum and minimum salary paid to teachers.

(b) Average class size in grades 1 to 3, inclusive.

(c) Pupil-teacher ratio in grades 4 to 8, inclusive.

(d) Number of nonteaching certificated personnel per 100 full-time teachers.

(e) Total rate of school district tax.

(f) Assessed valuation per average daily attendance.

(g) Percentage of minority enrollment.

(h) Index of family poverty, derived from dividing funds received under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10) by the average daily attendance in the district.

(i) Average scholastic ability.

(j) Average transitory factor as derived from dividing the average daily attendance of the school district by the total annual enrollment of the school district.

CHAPTER 1409

An act to amend Sections 29007, 29007.3, 29007.5, and 29018.5 of the Education Code, relating to private educational institutions.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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 State Department of Education. The Superintendent of Public Instruction shall not approve an institution to issue degrees until it it 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.

SEC. 2. Section 29007.3 of the Education Code is amended to read:

29007.3. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board

of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Department of Education. The original application shall be accompanied by an application fee of fifteen dollars ($15), renewal applications when renewed on a continuous basis and applications for additional sales permits shall be accompanied by an application fee of ten dollars ($10). Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit. The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be engaged as representatives of a correspondence school or other

person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

No recovery by the correspondence school, or representative thereof, shall be had on any contract for or in connection with a course of study by any person selling or administering such course if the representative of such person, firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

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 State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 3. Section 29007.5 of the Education Code is amended to read:

29007.5. No course of education or training leading to an educational, professional or vocational objective shall be offered by any person, firm, association, partnership, or corporation to or for adults which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction shall issue a temporary approval upon submission of the complete application. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses on a year-to-year basis when an institution is found by the Department of Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards, for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) Upon completion of training the institution may award an appropriate written document to the student indicating the training and attendance completed.

(7) Adequate records shall be maintained by the institution to show attendance, progress, and grades.

(8) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Department of Education may require evidence of compliance.

(9) The institution is financially capable of fulfilling its commitments for its approved courses.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(11) The institution does not exceed enrollment facilities and equipment.

(12) The institution's administrator, director, owner, and instructors are of good reputation and character.

(13) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course.

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 section.

SEC. 4. Section 29018.5 of the Education Code is amended to read:

29018.5. The Superintendent of Public Instruction shall appoint a statewide advisory committee consisting of 15 members, of whom 9 shall be the administrative heads of schools or colleges which are operated exclusively under one or more of the following sections: Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5; of whom 3 shall represent schools or colleges operating under the following sections: 29007(a)(1), 29007(b), 29007(c) and 29007(d); and of whom 1 each of the remaining 3 shall represent respectively, labor, management and the general public. The Superintendent of Public Instruction shall appoint an employee of the State Department of Education to be an ex officio member of, and serve as secretary and chief executive officer for, the committee. The chiefs of the Division of Labor Law Enforcement and Apprenticeship Standards, or their designate, shall also serve as ex officio members of the committee. Ex officio members shall have no vote.

This committee shall act in an advisory capacity to the Superintendent of Public Instruction in promulgation of rules provided for by Section 29018; the Department of Education, shall advise the committee prior to instituting any action to deny, suspend, or withdraw recognition of courses or schools under the provisions of Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5. The Superintendent of Public Instruction shall take into consideration the committee's recommendations before denying, suspending, or withdrawing recognition of courses or schools under said sections.

This committee shall meet at least twice each year, or upon call by the Superintendent of Public Instruction.

Committee members shall serve for three-year terms, and shall not be eligible to immediately succeed themselves. With

respect to the appointment of the first committee, however, 15 members as set forth in the first paragraph of this section shall be appointed with indeterminate terms and, at the first meeting, a drawing by lot shall be held at which 5 members shall be selected to serve for three-year terms, 5 for two-year terms, and 5 for one-year terms.

The Superintendent of Public Instruction may impanel special committees of technically qualified persons to assist the Department of Education in the development of standards for courses and the evaluation of any course or school applying for recognition under the provisions of Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5. These special committees shall be empowered to make such inspections and studies as may be necessary to enable them to advise the Department of Education or the statewide committee in regard to action to be taken in any particular situation. Members of these special committees shall not be connected in any way with a school which may be the subject of inspection or investigation.

The statewide advisory committee members and the special committee members will serve at no expense to the state.

CHAPTER 1410

An act to amend Sections 28105, 28106, 28107, 28111, 28112, 28113, 28114, 28115, 28117, 28118, 28119, 28120, 28121, 28123, 28124, 28125, 28127, 28130, 28131, 28132, 28133, 28134, 28138, 28139, 28141, 28147, 28149, 28151, 28153, 28155, 28157, and 28158 of the Government Code, relating to county officers.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, twenty-one thousand five hundred dollars ($21,500) a year.

(b) The district attorney, twenty-seven thousand five hundred dollars ($27,500) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, fifteen thousand dollars ($15,000) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meet-

ings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5) a day. In justice courts in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

SEC. 2. Section 28105 of the Government Code is amended to read:

28106. In a county of the sixth 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) Each supervisor, fifteen thousand dollars ($15,000) a year.

(b) Grand jurors and trial jurors in the superior courts shall receive three dollars ($3) 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 the fees and mileage of trial jurors in the superior court shall be paid out of the general fund of the county on warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance.

SEC. 3 Section 28107 of the Government Code is amended to read:

28107. In a county of the seventh class the 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, except that the following shall receive as compensation for such services the following sums:

(a) The chairman of the board of supervisors, sixteen thousand five hundred dollars ($16,500), and each other supervisor, fourteen thousand dollars ($14,000), and his necessary expenses when attending to the business of the county, other than the meetings of the board, and ten cents ($0.10) a mile in traveling to and from his residence to the county seat. Not more than one mileage claim at any one regular or special meeting of the board shall be allowed.

(b) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury, five dollars ($5); as a juror in the superior court, for each day's attendance, five dollars ($5). For each mile actually traveled in attending court as a juror, ten cents ($0.10); for attending meetings of the grand jury, committee meetings or investigations, necessary expenses and ten cents ($0.10) for each mile

actually traveled. The grand jury may order members to act as committees thereof and to conduct investigations on its behalf.

The compensation provided by this section shall be payable to incumbent officers.

Supervisors serving as members of the local agency formation commission of the county shall be entitled to the per diem allowances and reimbursement of expenses authorized for such services pursuant to Section 54783 of this code. Supervisors serving as members of governing boards of special districts within the county shall be entitled to reimbursement of expenses authorized for duties performed for such districts pursuant to the principal acts of such special districts.

SEC. 4. Section 28111 of the Government Code is amended to read:

28111. In a county of the 11th 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 dollars ($10,000) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year. He shall devote his entire time during office hours to the work of the county and the state and is prohibited from engaging in private work within office hours.

(c) The chairman of the board of supervisors, thirteen thousand seven hundred dollars ($13,700) a year, and each other supervisor, eleven thousand three hundred dollars ($11,300) a year, for all services. In addition, each member who uses a privately owned automobile in the discharge of necessary official duties as supervisor shall be paid for the use of the automobile the following sums:

(1) In supervisorial districts containing five hundred (500) miles of road or less, fifty dollars ($50) a month.

(2) In supervisorial districts containing more than five hundred (500) miles, but less than seven hundred fifty (750) miles of road, seventy-five dollars ($75) a month.

(3) In supervisorial districts containing road mileage in excess of seven hundred fifty (750) miles, one hundred dollars ($100) a month.

(d) Grand jurors and trial jurors in the superior court, municipal court, and justice courts, five dollars ($5) a day while engaged in the performance of the duties required of them by law, including committee meetings of the grand jury, and mileage at the rate of fifteen cents ($0.15) per mile one way only.

The county officers provided for in this section shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and expenses set forth, except that the members of the board of supervisors, auditor, and district attorney shall be allowed all actual expenses which are necessary to the performance of their duties. The expenses and the salaries designated in this section for such officers,

except as specifically provided, shall be full and complete compensation for giving their entire time and attention to the duties required of them by law or which are for any reason imposed upon or performed by them under the laws of or on behalf of the United States, this state, any political subdivision thereof, or any public corporation.

All other fees, statutory mileage, or other remuneration or compensation of any kind or character received by such officers or their deputies from the United States, this state, any political subdivision thereof, or any public corporation shall be paid into the county treasury, except that this requirement does not apply to that portion of any fees collected which is authorized by statute to be paid to other persons or is necessarily diverted to other persons for the purpose of carrying out the objects of the statute.

SEC. 4.5. 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, fifteen thousand dollars ($15,000) a year.

(b) The district attorney, twenty-four thousand three hundred thirty-six dollars ($24,336) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, twelve thousand five hundred dollars ($12,500) 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.

SEC. 5. Section 28113 of the Government Code is amended to read:

28113. In a county of the 13th class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, fifteen thousand six hundred dollars ($15,600) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, twenty-seven thousand five hundred dollars ($27,500) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the state and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, fifteen thousand dollars ($15,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) Each member of the grand jury shall be allowed six dollars ($6) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury even though a full quorum of the grand jury as a whole be not present, and mileage, at the rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury which are held within the county, or any session of a grand jury committee duly called by the foreman of the grand jury or chairman of the committee.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

SEC. 6. 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-six thousand four hundred dollars ($26,400) a year. He shall not engage in the private practice of law.

(c) Each supervisor, thirteen thousand two hundred dollars ($13,200) 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. In lieu of mileage, automobiles may be provided and maintained by the county and assigned to the supervisors for the performance of their duties. 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.

SEC. 6.1. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th 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, nineteen thousand three hundred fifty dollars ($19,350) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, twenty-eight thousand six hundred eighty dollars ($28,680) a year, and his actual traveling expenses while away from his office on county business. The district attorney may be assigned an automobile or compensated at a mileage rate designated in the salary ordinance for

employees using personal automobiles on official business. He shall not personally engage in private law practice.

(c) Each supervisor, thirteen thousand two hundred dollars ($13,200) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) 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 a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

SEC. 7. Section 28117 of the Government Code is amended to read:

28117. In a county of the 17th 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, seventeen thousand four hundred dollars ($17,400) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, twenty-four thousand dollars ($24,000) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, twelve thousand dollars ($12,000) a year and his actual and necessary expenses and mileage incurred in the performance of any of the duties of his office. He may elect to use his own automobile or an automobile furnished by the county for use in all official business of the county requiring automobile travel. If he elects to use his own automobile for all such official business, then he shall receive nine cents ($0.09) for each mile actually traveled. If he elects to use an automobile furnished by the county, then all expenses for fuel, oil, supplies, upkeep and maintenance of such county automobile shall be paid from the county funds, and he shall not receive any reimbursement for mileage.

(d) Grand jurors, for each day's attendance including each day's attendance at committee meetings, upon the order of the grand jury, six dollars ($6), trial jurors in the superior court, six dollars ($6), and trial jurors in the justice court, six dollars ($6) for each day's attendance. In addition, for attending court as a juror, or for attending meetings of the grand jury or its committee meetings, necessary expenses and ten cents ($0.10) for each mile actually traveled.

SEC. 8. Section 28118 of the Government Code is amended to read:

28118. In a county of the 18th 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 county auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, twenty-one thousand dollars ($21,000) 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 in office.

(c) Each supervisor, ten thousand eight hundred dollars ($10,800) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed ten cents ($0.10) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0.07) a mile each way from the place of residence to the court.

SEC. 8.5. 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-two thousand eight hundred dollars ($22,800) a year, and he shall not engage in private practice.

(c) Each supervisor, nine thousand dollars ($9,000) 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.

SEC. 9. Section 28120 of the Government Code is amended to read:

28120. In a county of the 20th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nineteen thousand eight hundred dollars ($19,800) a year.

(b) The district attorney, twenty-four thousand dollars ($24,000) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) Each supervisor, including the chairman, sixteen thousand dollars ($16,000) a year for all services required by law or by virtue of the office, and to each supervisor seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars ($6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents ($0.075).

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, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 9.5. Section 28121 of the Government Code is amended to read:

28121. In a county of the 21st 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, twenty-three thousand twenty dollars ($23,020) a year.

(b) The district attorney, twenty-eight thousand dollars ($28,000) a year.

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, one thousand dollars ($1,000) a month and twelve cents ($0.12) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while engaged in county business.

(d) Trial jurors, five dollars ($5) per day.

(e) Each grand juror, five dollars ($5) per day 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, and eight cents ($0.08) for each mile actually and necessarily traveled in the performance of such duties.

SEC. 10. Section 28123 of the Government Code is amended to read:

28123. In a county of the 23rd 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.

(b) The district attorney, twenty-two thousand dollars ($22,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice.

(c) Each supervisor nine thousand six hundred dollars ($9,600) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents

($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors 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 jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

SEC. 10.1. Section 28124 of the Government Code is amended to read:

28124. In a county of the 24th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, fifteen thousand dollars ($15,000) a year. He shall also perform the duties of controller. When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, nineteen thousand two hundred dollars ($19,200) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, nine thousand dollars ($9,000) a year for all services performed by him as supervisor and as a member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 11. Section 28125 of the Government Code is amended to read:

28125. In a county of the 25th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and fees:

(a) The auditor, fifteen thousand two hundred dollars ($15,200) a year.

(b) The district attorney, twenty-one thousand six hundred dollars ($21,600) a year He shall not engage in the private practice of law.

(c) Each member of the board of supervisors, nine thousand dollars ($9,000) a year. Each supervisor shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it is necessary for any supervisor to leave the county for the purpose of performing any of his duties, he shall be allowed his actual expenses.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

Any officer entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive mileage at the rate of ten cents ($0.10) a mile traveled.

The salaries and fees provided in this section are in full compensation for all services of every kind and description rendered by the officers named, either as officers or ex officio officers, their deputies and assistants. All fees, commissions, per diem, and expenses provided for by law, and all other money coming into the hands of the officers mentioned, no matter from what source derived or received, shall be the property of the county, and shall be paid into the county treasury by such officers at the same time and in the same manner that other money is required by law to be paid into the county treasury, except, that the district attorney is expressly exempted from this provision, and shall receive the salaries, fees, and commissions, provided by law.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 12. 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, nine thousand seven hundred sixty-eight dollars ($9,768) a year.

(b) The district attorney, twenty-two thousand dollars ($22,000) 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 nine thousand dollars ($9,000) 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.

SEC. 13. Section 28130 of the Government Code is amended to read:

28130. In counties of the 30th class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, twelve thousand dollars ($12,000) a year.

2. The district attorney, twenty-one thousand dollars ($21,000) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, seven thousand eight hundred dollars ($7,800) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each

day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

SEC. 14. 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, thirteen thousand five hundred dollars ($13,500) 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, twenty-one thousand dollars ($21,000) 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, eight thousand four hundred dollars ($8,400) a year 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.

(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.

SEC. 15. Section 28132 of the Government Code is amended to read:

28132. In a county of the 32nd class the following officers 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 thousand five hundred dollars ($20,500) a year. He shall not during his term of office engage in private practice and he shall devote his full working time to the duties of his office.

(c) Each supervisor, eight thousand two hundred dollars ($8,200) a year, for all services rendered as supervisor and as member of the board of equalization. He shall also receive his reasonable expenses, including expenses for meals, incurred when attending meetings of the board and on county business both within and without the county. Each supervisor, in addition to his other expenses, shall receive ten cents ($0.10) a mile in traveling to and from his residence to the place of meeting of the board at the county seat and when traveling within and without the county on county business; provided, that the supervisor may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Each member of the grand jury shall be allowed seven dollars ($7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

SEC. 16. Section 28133 of the Government Code is amended to read:

28133. In a county of the 33rd 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.

(b) The district attorney, eighteen thousand six hundred dollars ($18,600) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, eleven thousand four hundred dollars ($11,400) a year. He shall also receive ten cents ($0.10) a mile for travel related to the work of the board of supervisors. In addition to mileage each member of the board shall receive his other actual travel expenses incurred by him while traveling on the work of the board of supervisors.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance, and six dollars ($6) thereafter, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars

($2) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 17. 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, ten thousand eight hundred dollars ($10,800) 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, eight thousand four hundred dollars ($8,400) 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 chairman of the board of supervisors shall receive six hundred dollars ($600) a year as additional compensation for services rendered as chairman. 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.

SEC. 18. Section 28138 of the Government Code is amended to read:

28138. In a county of the 38th 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 two hundred dollars ($13,200) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from his home to the county seat and returning when attending meetings of the board of supervisors.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0 20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

SEC. 19. Section 28139 of the Government Code is amended to read:

28139. In a county of the 39th 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, fourteen thousand dollars ($14,000) a year.

(b) The district attorney, nineteen thousand nine hundred ninety-two dollars ($19,992) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of supervisors, and (2) for each mile actually and necessarily traveled when traveling, either within or without the county on county business. The chairman of the board of supervisors shall receive, as additional compensation, six hundred dollars ($600) a year for services rendered as chairman.

(d) Grand jurors and all trial jurors in the superior courts, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

SEC. 20. 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, ten thousand eight hundred twenty dollars ($10,820) 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, twenty thousand dollars ($20,000) 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.

SEC. 21. Section 28147 of the Government Code is amended to read:

28147. In a county of the 47th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight hundred dollars ($800) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year and mileage from his residence to the county seat at each sitting of the board, at twenty-five cents ($0.25) a mile. Each supervisor is, in addition, allowed three hundred dollars ($300) a year to cover mileage expenses at twenty-five cents ($0.25) a mile in viewing the roads. This salary and mileage are in full for all services.

(d) Grand jurors and trial jurors shall receive the following fees and mileage:

(1) Grand jurors and jurors in the superior court shall be paid six dollars ($6) a day for each day's attendance, and fifteen cents ($0.15) for each mile actually traveled each way while acting as jurors. The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage. The auditor shall draw his warrant on the treasurer in favor of each juror and the treasurer shall pay the warrant.

(2) Trial jurors in any justice court shall receive four dollars ($4) for each day's attendance, and fifteen cents ($0.15) for each mile actually traveled each way. The judge of the justice court shall certify to the auditor the number of days' attendance of each juror, and the auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

(e) Witnesses legally required to appear before the grand jury or the superior court shall receive four dollars ($4) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled each day, in going only.

(f) Witnesses legally required to appear in any justice court or before a coroner's jury shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled each day, in going only.

SEC. 22. Section 28149 of the Government Code is amended to read:

28149. In a county of the 49th 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 dollars ($10,000) a year.

(b) The district attorney, seventeen thousand dollars ($17,000) a year for his services. 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, five thousand four hundred dollars ($5,400) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars ($6), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance five dollars ($5), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

SEC. 23. Section 28151 of the Government Code is amended to read:

28151. In a county of the 51st class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

(a) The auditor, two thousand four hundred dollars ($2,400) a year.

(b) The district attorney, fourteen thousand four hundred dollars ($14,400) a year and necessary traveling expenses to be allowed by the board of supervisors.

(c) Each supervisor, six thousand dollars ($6,000) a year, for services as member of the board of supervisors and member of the board of equalization, and twenty cents ($0.20) a mile, going only, in traveling from his residence to the county seat at each session of the board. The chairman of the board of supervisors shall receive an additional three hundred dollars ($300) a year for his services as chairman.

(d) For each day's attendance as a grand juror five dollars ($5). For each day's attendance as a trial juror five dollars ($5). Grand and trial jurors shall receive ten cents ($0.10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 24. Section 28153 of the Government Code is amended to read:

28153. In a county of the 53rd class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year, and his actual expenses incurred while attending to the business of the county. The auditor shall also receive mileage at the rate of ten cents ($0.10) a mile for mileage actually traveled in attending to such business.

(b) The district attorney, nine thousand dollars ($9,000) a year.

(c) Each supervisor, four hundred fifty dollars ($450) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents ($0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents ($0.10) a mile while attending to the business of the county by the order of the board of supervisors.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In

the justice courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

SEC. 25. Section 28155 of the Government Code is amended to read:

28155. In a county of the 55th 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, four thousand five hundred dollars ($4,500) a year.

(b) The district attorney, twelve thousand dollars ($12,000) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year, for all services required of him by law in any capacity, and ten cents ($0.10) a mile (1) for each mile actually and necessarily traveled when traveling within or without the county on county business. (2) In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Grand jurors shall be paid seven dollars ($7) a day, and jurors in the superior court shall be paid six dollars ($6) for each day's attendance. Grand and trial jurors shall receive ten cents ($0.10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 26. 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, eleven thousand nine hundred eighty-eight dollars ($11,988) a year.

(b) The district attorney, seventeen thousand two hundred eighty dollars ($17,280) 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, four thousand eight hundred dollars ($4,800) 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 ten dollars ($10), 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 shal. draw his warrant therefor, and the treasurer shall pay the warrant.

SEC. 26.5. Section 28158 of the Government Code is amended to read:

28158. In a county of the 58th 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, three thousand five hundred dollars ($3,500) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

(c) Each supervisor, one thousand two hundred dollars ($1,200) a year, and twenty cents ($0.20) a mile for traveling from his residence to the county seat, going only. Only one mileage shall be allowed for any regular session of the board.

(d) Each grand juror, seven dollars ($7), and each trial juror in the superior court five dollars ($5) for each day's attendance, and thirty cents ($0.30) for each mile actually traveled one way as such juror. The per diem and mileage of the jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the superior court.

CHAPTER 1411

An act to amend Section 28153 of the Government Code, and to amend Section 27149 of the Streets and Highways Code, relating to public officers.

[Approved by Governor September 3, 1969 Filed with Secretary of State September 3, 1969]

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

SECTION 1. Section 27149 of the Streets and Highways Code is amended to read:

27149. Each member of the board shall receive the sum of fifty dollars ($50) for attending each meeting of the board and each committee meeting on different days, but no member shall receive such compensation in excess of two thousand four hundred dollars ($2,400) in any one year. Each member of the board shall receive a sum equal to the necessary traveling expenses incurred by him in the performance of his duties.

SEC. 2. Section 28153 of the Government Code is amended to read:

28153. In a county of the 53rd class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year, and his actual expenses incurred while attending to the business of the county. The auditor shall also receive mileage at the rate of ten cents ($0.10) a mile for mileage actually traveled in attending to such business.

(b) The district attorney, fourteen thousand five hundred fifty-six dollars ($14,556) 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, four hundred fifty dollars ($450) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents ($0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents ($0.10) a mile while attending to the business of the county by the order of the board of supervisors.

(d) Grand jurors, six dollars ($6), and trial jurors in the superior courts, five dollars ($5), for each day's attendance and mileage at the rate of twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars ($5) for each day's attendance and twenty-five cents ($0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

CHAPTER 1412

An act to amend Section 1042 of the Evidence Code, relating to evidence in criminal cases.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 1042 of the Evidence Code is amended to read:

1042. (a) Except where disclosure is forbidden by an act of the Congress of the United States, if a claim of privilege under this article by the state or a public entity in this state

is sustained in a criminal proceeding, the presiding officer shall make such order or finding of fact adverse to the public entity bringing the proceeding as is required by law upon any issue in the proceeding to which the privileged information is material.

(b) Notwithstanding subdivision (a), where a search is made pursuant to a warrant valid on its face, the public entity bringing a criminal proceeding is not required to reveal to the defendant official information or the identity of an informer in order to establish the legality of the search or the admissibility of any evidence obtained as a result of it.

(c) Notwithstanding subdivision (a), in any preliminary hearing, criminal trial, or other criminal proceeding, any otherwise admissible evidence of information communicated to a peace officer by a confidential informant, who is not a material witness to the guilt or innocence of the accused of the offense charged, is admissible on the issue of reasonable cause to make an arrest or search without requiring that the name or identity of the informant be disclosed if the judge or magistrate is satisfied, based upon evidence produced in open court, out of the presence of the jury, that such information was received from a reliable informant and in his discretion does not require such disclosure.

(d) When, in any such criminal proceeding, a party demands disclosure of the identity of the informant on the ground the informant is a material witness on the issue of guilt, the court shall conduct a hearing at which all parties may present evidence on the issue of disclosure. Such hearing shall be conducted outside the presence of the jury, if any. During the hearing, if the privilege provided for in Section 1041 is claimed by a person authorized to do so or if a person who is authorized to claim such privilege refuses to answer any question on the ground that the answer would tend to disclose the identity of the informant, the prosecuting attorney may request that the court hold an in camera hearing. If such a request is made, the court shall hold such a hearing outside the presence of the defendant and his counsel. At the in camera hearing, the prosecution may offer evidence which would tend to disclose or which discloses the identity of the informant to aid the court in its determination whether there is a reasonable possibility that nondisclosure might deprive the defendant of a fair trial. A reporter shall be present at the in camera hearing. Any transcription of the proceedings at the in camera hearing, as well as any physical evidence presented at the hearing, shall be ordered sealed by the court, and only a court may have access to its contents. The court shall not order disclosure, nor strike the testimony of the witness who invokes the privilege, nor dismiss the criminal proceeding, if the party offering the witness refuses to disclose the identity of the informant, unless, based upon the evidence presented at the hearing held in the presence of the defendant

and his counsel and the evidence presented at the in camera hearing, the court concludes that there is a reasonable possibility that nondisclosure might deprive the defendant of a fair trial.

CHAPTER 1413

An act to amend and renumber Section 12972 of, to add Sections 12971, 12972, 12973, 12974, 12975, 12977, and 12978 to, and to repeal Section 12971 of, the Agricultural Code, relating to pesticides.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 12971 of the Agricultural Code is repealed.

SEC. 2. Section 12971 is added to the Agricultural Code, to read:

12971. Except as provided in Sections 12974 and 12975, before any pesticide application is made, the applicator shall be in possession of a written recommendation showing the following:

(a) The name and dosage rate of the pesticide or pesticides and other materials to be used.

(b) The pest or pests to be controlled.

(c) The owner or operator, location of and approximate acreage to be treated.

(d) The crops or property to be treated.

(e) The signature and address of the person making the recommendation and name of the business or company which he represents.

(f) The suggested schedule or time, if any, for the pesticide application.

SEC. 3. Section 12972 of the Agricultural Code is amended and renumbered to read:

12976. Unless otherwise expressly authorized by the director or the commissioner, the use of any pesticides by any person in pest control operations shall be in such a manner as to prevent any substantial drift to other crops and shall not conflict with the manufacturer's registered label or with supplementary printed directions which are delivered with the pesticides and any additional limitations applicable to local conditions which are contained in the conditions of any permit or the written recommendations that are issued by the director or commissioner.

SEC. 4. Section 12972 is added to the Agricultural Code, to read:

12972. No recommendation shall be in conflict with the label or with the supplementary printed direction delivered therewith unless authorized by the director or commissioner.

SEC. 5. Section 12973 is added to the Agricultural Code, to read:

12973. The party signing a written recommendation specified by Section 12971 shall deliver it, or cause it to be delivered, to the customer or his agent, or include it to accompany the material on delivery, and shall send a copy, when requested, to the agricultural commissioner in the county in which the application is to be made, and shall retain a copy in his own files for a period of a year.

SEC. 6. Section 12974 is added to the Agricultural Code, to read:

12974. A farmer or any other person not subject to Division 6 (commencing with Section 11401) may make an application of a pesticide without being in possession of a written recommendation.

SEC. 7. Section 12975 is added to the Agricultural Code, to read:

12975. A person subject to Division 6 (commencing with Section 11401) may make an application without possession of a written recommendation, provided he maintains records of the information required in Section 12971, as provided in Section 12973.

SEC. 8. Section 12977 is added to the Agricultural Code, to read:

12977. Failure of a person, as described in Sections 12974 and 12975, to possess a written recommendation shall create a rebuttable presumption that he has assumed responsibility for the recommendation of the application and for all of the information relating to applications required by Section 12971.

SEC. 9. Section 12978 is added to the Agricultural Code, to read:

12978. A person making a written recommendation does not thereby incur an obligation to insure that the actual application follows his recommendation.

CHAPTER 1414

An act to amend Section 11402 of, and to add Sections 11406, 11407, 11408, 11409, and Chapter 6 (commencing with Section 12001) and Chapter 7 (commencing with Section 12101) to Division 6 of, the Agricultural Code, relating to agricultural pest control business.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 11402 of the Agricultural Code is amended to read:

11402. "License" means agricultural pest control license, agricultural pest control agent license, or pesticide dealer's license.

SEC. 2. Section 11406 is added to the Agricultural Code, to read:

11406. "Agricultural pest control agent" means any person who, as an agent or employee of a pesticide dealer, distributor or manufacturer, sells or offers for sale any pesticide for an agricultural use, or who, as an agent or employee of a pesticide dealer, makes any recommendation concerning the agricultural use of any method or device for the control of any agricultural pest, or who, in connection with a pest control advisory service for hire, makes any recommendation concerning the agricultural use or application of any pesticide.

SEC. 3. Section 11407 is added to the Agricultural Code, to read:

11407. "Pesticide dealer" means any person who is in the business of selling or retailing pesticides directly to users for an agricultural use as defined in Section 11408, who is in the business of selling or retailing directly to users any method or device for the control of agricultural pests.

SEC. 4. Section 11408 is added to the Agricultural Code, to read:

11408. "Agricultural use" means the use of any pesticide or method or device for the control of pests in connection with the commercial production of any animal or plant crop. It excludes the sale of pesticides in properly labeled packages or containers which are intended for home use.

SEC. 4.5. Section 11409 of the Agricultural Code is added, to read:

11409. Commercial production of plant and animal crops shall be defined in the rules and regulations referred to in Section 12007 of this chapter.

SEC. 5. Chapter 6 (commencing with Section 12001) is added to Division 6 of the Agricultural Code, to read:

CHAPTER 6. AGRICULTURAL PEST CONTROL AGENTS

Article 1. General Provisions

12001. No person shall act in the capacity of an agricultural pest control agent or shall engage or offer to engage in the business of, advertise as or assume to act as, an agricultural pest control agent in any county unless such person has first registered with the commissioner, or with the director in those counties where there is no commissioner.

12002. The provisions of Section 12001 shall not apply to the following:

(a) Employees of federal, state, county or other governmental agencies, districts, or subdivisions thereof, while acting in their official capacities.

(b) Licensed pest control operators when making a recommendation for use in connection with their pest control service and within the conditions of their license.

12003. Registration shall be completed each calendar year or renewed in a form prescribed by the director and shall show all of the following information:

(a) Name and address of registrant.

(b) Name and address of employer if applicable.

(c) Type of pest control service to be engaged in

(d) Any other relevant information as the commissioner may require.

12004. The commissioner shall register the applicant after he has provided the information required for the current calendar year. Registration shall remain in effect unless revoked or suspended by the commissioner, pursuant to Section 12008.

12005. The registrant shall keep and maintain any records required by the director and shall make such records available to inspection by the director or commissioner on request, including those required in Article 10, Chapter 2, Division 7 (commencing with Section 12971).

12006. Every registrant who changes his address, employer, or place of business, shall immediately notify the commissioner in each county in which he is required to be registered.

12007. The director shall adopt such rules and regulations as are reasonably necessary to gain uniformity between counties and effectuate the purpose of this chapter.

12008. Registration may be revoked, suspended or refused, if the commissioner finds, after a hearing, that the registrant or the applicant has not complied with any provisions of this division, any regulation issued pursuant to it, or of any lawful order of the commissioner.

12009. Any person whose registration has been revoked, suspended, or refused may appeal to the director, within 10 days for a hearing.

Article 2. Violations

12021. No person who is subject to this division shall do any of the following:

(a) Make any false or fraudulent claim or knowingly misrepresent the effects respecting any pest control material or method.

(b) Fail to comply with any provision of this division, or any regulation issued pursuant to it, or any lawful order of the commissioner.

(c) Fail to keep and maintain the records which are required by this division, or to make reports when and as required.

(d) Make any false or fraudulent record or report.

(e) Operate in any county without first having registered with the commissioner.

(f) Use any fraud or knowingly misrepresent any information in making application for registration.

(g) Make recommendations in a manner or under conditions likely to interfere or reduce the effectiveness of proper control.

(h) Make recommendations likely to cause injury to the crop or property being treated or to persons or property of others, including honey bees or wildlife.

SEC. 6. Chapter 7 (commencing with Section 12101) is added to Division 6 of the Agricultural Code, to read:

CHAPTER 7. PESTICIDE DEALER

Article 1. General Provisions

12101. No person shall act in the capacity of a pesticide dealer or shall engage or offer to engage in the business of, advertise as, or assume to act as a pesticide dealer unless he is licensed as a pesticide dealer pursuant to the provisions of this chapter.

12102. The provisions of Section 12101 shall not apply to any federal, state, or county agency which provides pesticide materials for agricultural use.

12103. Application for a license shall be in the form prescribed by the director. Each application shall state the name and address of the applicant and shall be accompanied by a fee of fifty dollars ($50) to be paid into the Department of Agriculture Fund. All licenses issued under the provisions of this article shall expire on December 31 of the year for which they are issued.

To the amount of the license fee shall be added, as an additional license fee twenty dollars ($20) for each branch salesyard, store, or sales location which is owned and operated by the applicant in the state or in other states when doing business from such location within the state

12104. The license for a pesticide dealer may be renewed annually upon application to the director, accompanied by a fee of fifty dollars ($50), for each license and twenty dollars ($20) for each branch, salesyard store, or sales location, on or before the first day of January of the calendar year for which the license is issued, however, a renewal may be issued without penalty after the first day of January to an applicant who has not acted as a pesticide dealer between the first day of January of each calendar year and the date of his renewal application.

12105. A penalty of fifteen dollars ($15) shall be added to any fee which is not paid when due.

12106. Each applicant shall satisfy the director as to his knowledge of the laws and regulations governing the use and sale of pesticides, and his responsibility in carrying on the business of a pesticide dealer.

12107. The director shall issue to each applicant that satisfies the requirements of this article a license which entitles the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended.

12108. Every licensed pesticide dealer who changes his address or place of business shall immediately notify the director.

12109. Every licensed pesticide dealer shall submit to the director the names of all persons employed by him in the capacity of an "agricultural pest control agent" as defined in Section 11406.

12110. Each dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The dealer's license shall be subject to disciplinary action for any violation of this chapter whether committed by the dealer, or by any officer, agent or employee.

12111. The director may adopt such rules and regulations as are reasonably necessary to effectuate the purposes of this chapter.

12112. Notwithstanding the provisions of Section 11513, the moneys derived under this chapter for licenses issued for the 1970 calendar year shall be available to the director to cover the costs of establishing and administering the pesticide dealer's licensing program pursuant to the provisions of this chapter. Thereafter the director shall pay 50 percent of the moneys collected to the counties which employ agricultural commissioners and the moneys shall be used by the counties for the enforcement and administration of the provisions of this chapter. The department shall determine and pay to each county one-half of such deposited application fees and renewal fees that are received from applicants whose principal address at the time of payment as determined by the director was located in said county, and the amount of such payments to counties is hereby appropriated from the Department of Agriculture Fund.

Article 2. Violations

12121. No person who is subject to this division shall do any of the following:

(a) Fail to demonstrate to the director that he is qualified to act in the capacity of a pesticide dealer.

(b) Fail to notify the director of any transfer or change of address.

(c) Fail to submit the names of all persons employed by him in the capacity of an agricultural pest control agent.

(d) Fail to comply with the provisions of this article or of rules and regulations issued under this article.

(e) Make false or fraudulent statements, or misrepresent or fail to disclose any material fact in making application for a license or renewal of license.

(f) Make any false or misleading statements or promises of a character likely to influence, induce, or deceive, or publish or cause to be published or distributed or displayed any

false or misleading literature or advertisement, concerning any pesticide or method of pest control.

SEC. 6. The provisions of this act shall not become operative until January 1, 1970.

CHAPTER 1415

An act to amend Sections 1821, 1825, and 1826 of, and to repeal Section 1827 of, the Welfare and Institutions Code, relating to the Department of the Youth Authority, and making an appropriation therefor.

[Approved by Governor September 3, 1969 Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 1821 of the Welfare and Institutions Code is amended to read:

1821. From any state moneys made available to it for such purpose, the State of California, through the Department of the Youth Authority, shall, in accordance with this article, share in the cost of supervising probationers in "special supervision programs" established by county probation departments to reduce commitments to the Department of the Youth Authority or the Department of Corrections.

SEC. 2. Section 1825 of the Welfare and Institutions Code is amended to read:

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of the Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county. The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments. The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons committed to the Department of Corrections and subsequently dicharged under Section 1168 of the Penal Code and persons committed to the Department

of Corrections or the Department of the Youth Authority for diagnostic study only pursuant to Section 1203.03 of the Penal Code or Section 704 or 1752.1 of the Welfare and Institutions Code, shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the interpolated dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease, interpolated to the nearest one-tenth of 1 percent, in rate of commitment and multiplying the appropriate dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the most recent annual commitment number from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	Less than 40 100,000	40–49 100,000	50–59 100,000	60–69 100,000	70–79 100,000	80–89 100,000	90 plus 100,000
0 percent	--	--	--	--	--	--	--
1 percent	$2,400	$2,285	$2,180	$2,135	$2,105	$2,085	$2,080
2 percent	2,800	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	3,200	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,600	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	4,000	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	4,000	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	4,000	3,865	3,475	3,215	3,120

Percent of decrease from base rate	Less than 40 100,000	40–49 100,000	50–59 100,000	60–69 100,000	70–79 100,000	80–89 100,000	90 plus 100,000
15 percent	4,000	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) If the amount received by a county in reimbursement of its expenditures in a fiscal year is less than the maximum amount computed under subdivision (d), the difference may be used in the next succeeding fiscal year and may be paid to the county in quarterly installments during such fiscal year upon preparation of valid claims for reimbursement of its quarterly expenses.

(g) In the event a participating county earns less than the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(h) Funds obtained under this article shall not be used to support existing programs or develop or expand new programs in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(i) Counties where the average number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state

institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and persons participating in special supervision programs and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

SEC. 3. Section 1826 of the Welfare and Institutions Code is amended to read:

1826. The Department of the Youth Authority shall make periodic reports to the Legislature on the experiences and the results under the provisions of this article.

SEC. 4. Section 1827 of the Welfare and Institutions Code is repealed.

SEC. 5. This act shall be known and may be cited as the Arnold-Bee-Kennick Act.

SEC. 6. To further experiment in methods of reducing commitments to state institutions, the sum of two hundred thousand dollars ($200,000) is hereby appropriated from the General Fund to the Department of the Youth Authority to be allocated by the Director of the Youth Authority in accordance with Section 1752.5 or Section 1752.6 of the Welfare and Institutions Code.

CHAPTER 1416

An act to amend Section 13600 of, and to add Section 13601 to, the Welfare and Institutions Code, relating to public assistance, and making an appropriation therefor.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 13600 of the Welfare and Institutions Code is amended to read:

13600. Except as provided in Section 13601, no relative shall be held legally liable to support or to contribute to the support of any applicant for or recipient of aid under this chapter. No relative shall be held liable to defray in whole or in part the cost of any medical care or hospital care or other service rendered to a recipient pursuant to any provision of this code if he is an applicant for or a recipient of aid under this chapter at the time such medical care or hospital care or other service is rendered.

Notwithstanding the provisions of Section 206 of the Civil Code or Section 270c of the Penal Code, or any other provision of this code, no demand shall be made upon any relative

to support or contribute toward the support of any applicant for or recipient of aid under this chapter. No county or officer or employee thereof shall threaten any such relative with any legal action against him by or in behalf of the county or with any penalty whatsoever.

SEC. 2. Section 13601 is added to the Welfare and Institutions Code, to read:

13601. Where a recipient of aid under this chapter resides with his parents, the parents shall provide normal household needs of the recipient such as room, household furnishings and other similar items which do not add appreciably to the family expense beyond the amount that the family would spend if the recipient was not present in the home. The department shall follow the policy of evaluating family ability to provide these items in relation to expenditures made by families of comparable income for housing and household operation. Items of need so contributed by the family shall be taken into consideration in determining the amount of aid to which the recipient is entitled.

SEC. 3. There is hereby appropriated to the State Department of Social Welfare for payment for care of mentally retarded recipients of aid to the disabled who are in private institutions an amount equal to the savings to the state under the aid to the disabled program, not to exceed one million dollars ($1,000,000) as determined by the Department of Finance, otherwise resulting from this act.

The State Department of Social Welfare shall issue any regulations necessary to make such payments, giving priority to persons who need further financial assistance on their behalf in order to obtain adequate care.

CHAPTER 1417

An act to amend Section 11351 of, and to add Section 11351.5 to, the Welfare and Institutions Code, relating to aid to families with dependent children.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 11351 of the Welfare and Institutions Code is amended to read:

11351. Where a needy child lives with his mother and a stepfather, the amount of the grant made pursuant to Section 11450 of this code shall be computed after consideration is given to the income of the stepfather. The county granting aid shall determine if the stepfather is able to support the child either wholly or in part. The determination shall be based upon a standard which takes into account the stepfather's

income and expenses under regulations adopted by the department.

Notwithstanding the provisions of Section 209 of the Civil Code, a stepfather is bound to support, if able to do so, his wife's children if without support from such stepfather they would be needy children eligible for aid under this chapter. However, such liability for support shall not exceed the wife's community property interest in his income.

A natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather by this section.

SEC. 2. Section 11351.5 is added to the Welfare and Institutions Code, to read:

11351.5. Whenever an unrelated adult male resides with a family applying for or receiving aid under this chapter, he shall be required to make a financial contribution to the family which shall not be less than it would cost him to provide himself with an independent living arrangement.

The minimum financial contribution to the family shall be determined in accordance with standards established by the department which takes into account such adult male person's income and expenses. The regulations formulated by the department shall require the mother of the children and the unrelated male to present all of the facts in connection with the sharing of expenses which comprise the agreement whereby said adult male resides with the family. The conditions of the agreement and the facts related to the sharing of the family expenses shall be signed under penalty of perjury by both the mother of the child and the unrelated male. In the event that either the mother or the adult male person willfully and knowingly fails to cooperate during the period such joint sharing of expenses arrangement exists in setting forth all of the facts in accordance with provisions of this section, aid to the family may be discontinued.

The provisions of this section do not apply to a bona fide paying lodger, roomer or boarder living in the home of a family applying for or receiving aid under this chapter.

CHAPTER 1418

An act to add Article 1.5 (commencing with Section 11025) to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public assistance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Article 1.5 (commencing with Section 11025) is added to Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code, to read:

Article 1.5. Intergovernmental Welfare Management and Information Systems

11025. This act shall be known as the Intergovernmental Welfare Management and Information Systems Act of 1969.

11026. The Department of Social Welfare shall undertake a program to improve the management and to simplify and reduce the cost of welfare administration by developing efficient, highly automated processes for determining eligibility and making aid payments. The department shall also undertake a program to improve the general efficiency and effectiveness of welfare in California by developing an integrated welfare management information system which will provide information necessary for the proper planning, evaluation, and control of welfare programs.

11027. It is the intent of the Legislature in authorizing the department to develop efficient, highly automated processes for determining eligibility and making aid payments to:

(a) Have the department review its regulations and eliminate or modify those regulations under the department's control which cause costly and inefficient welfare administration.

(b) Provide an integrated and systematic organization structure for performing the functions involved, permitting maximum use of electronic data processing.

(c) Reduce the employment standards and training requirements for personnel who will perform the eligibility determination and aid payment functions to the lowest level possible consistent with effective administration.

(d) Eliminate unnecessary functions and forms and consolidate redundant information.

(e) Permit the most efficient collection, storage and retrieval of information.

(f) Eliminate all possible causes of error made in the eligibility determination and aid payment process.

(g) Provide the concepts and procedures for continuing evaluation of the efficiency and effectiveness of the eligibility determination and aid payment process using modern management tools such as operations research and cost-benefit analysis.

(h) Provide a stable base for personnel and equipment budgeting and for planning future developments in welfare programs.

(i) Produce uniform processes which meet the needs of counties of various sizes and which are flexible enough to encourage innovations by counties which will improve the process.

11028. It is the intent of the Legislature in authorizing the department to develop an integrated welfare management information system to:

(a) Provide the department, concerned county agencies, and the federal government with the information needed for effective management of welfare programs.

(b) Evaluate the costs of acquiring the information sought from the welfare programs and the benefits to be gained from having the information and insure that there is a specific and practical use for the information.

(c) Integrate to the extent feasible, the county systems with the department's electronic data processing system and the electronic data processing systems of the federal Department of Health, Education, and Welfare.

(d) Integrate as feasible and appropriate, the welfare information system with other state agency information systems.

(e) Produce uniform model electronic data processing systems for use in county welfare administration which meet the needs of counties of various sizes with differing caseload characteristics and are broad enough in design to integrate with general county management information systems.

(f) Encourage counties to develop electronic data processing applications which are not provided for in the uniform welfare electronic data processing systems designed pursuant to this article when such applications will not damage the system's uniformity.

(g) Provide orderly procedures for modifying the uniform welfare electronic data processing systems or extending the applications encompassed by the uniform systems in response to improvements or additions suggested by the counties or the state.

(h) Produce, to the extent feasible, an electronic data processing capability in the department which can:

1. Automatically produce and transmit all federal reports.

2. Provide information to state and county officials for evaluating the cost and effectiveness of programs and planning future program developments.

3. Provide a statewide automated clearinghouse of recipient information to improve the speed and accuracy of eligibility determination which is operated in accordance with provisions of this code relating to confidentiality of recipient information.

4. Provide direct electronic data processing services under contract with the department to counties which desire such services.

5. Provide programming for the county systems of program, policy and regulatory changes affecting electronic data processing.

(i) Include consistent data elements which will insure the greatest possible compatibility between the welfare management information system and other state, local and intergovernmental information systems.

(j) Provide for access by the Legislature to the information contained in the system and insure that the system is designed to meet the information needs of the Legislature in addition to the needs of other users of the system.

11029. In carrying out the provisions of this article, the department shall:

(a) In conjunction with county welfare departments and other concerned county agencies and officials, conduct comprehensive surveys of the information needs for welfare management as a precondition to actual design and programming of the model electronic data processing systems. The department shall request that the federal Department of Health, Education, and Welfare conduct a survey of its own welfare information needs and provide the results of that survey to the state.

(b) With the participation of county government officials, develop a plan for implementing the provisions of this article.

(c) Designate personnel with the authority and responsibility necessary for properly managing the programs authorized by this article in keeping with the legislative intent that these programs be considered major undertakings by the department.

(d) Submit an annual report of activities and recommendations concerning implementation of this article, including but not limited to, recommendations for repeal or amendment of laws which hamper efficient welfare administration, to the Governor and the Legislature at each regular session of the Legislature. A preliminary report shall be submitted to the Joint Legislative Budget Committee by January 1, 1970, detailing progress to date, plans for future systems work, and estimates of the funding requirements for the next fiscal year.

11030. The plan formulated by the department pursuant to Section 11029(b) shall integrate all programs under this article into a single program for making major reforms in welfare information collection and processing and in determination of eligibility and payment of aid. The plan shall specify at least the following:

(a) The extent to which the goals set forth in Sections 11027 and 11028 are feasible to accomplish.

(b) The precise objectives, the costs and the benefits, the tasks, and the timetable for the program.

(c) The methods for coordinating state, county and federal government efforts.

(d) The precise role to be played by department personnel, personnel of a contractor or contractors, and county welfare program and data processing personnel.

(e) The authority and responsibilities of personnel responsible for management of the program authorized by this article.

(f) The conditions for county implementation of the uniform welfare electronic data processing systems and the eligibility determination and aid payment processes including

phased implementation, as appropriate. Such conditions shall specify that receipt of federal funds by a county for welfare administrative costs for electronic data processing shall be conditioned upon satisfactory implementation of the systems and processes developed during the program.

11031. The plan developed pursuant to Section 11029 shall be submitted by the department to the State Electronic Data Processing Policy Committee for review and to the Intergovernmental Board on Electronic Data Processing for adoption in accordance with the functions and responsibilities assigned to the policy committee by Section 11721(c) and to the board by Section 11711 of the Government Code.

The plan developed pursuant to Section 11029 shall also be submitted to the Joint Legislative Budget Committee.

11032. The department may let such contract or contracts as it deems necessary to assist in carrying out the provisions of this article.

11033. The department shall implement the provisions of this article in a way which permits receipt of maximum available federal funds under Sections 1110 or 1115 of the federal Social Security Act as amended.

11034. In the event that the federal government provides California with demonstration project funds for the purpose of designing management information systems for departments within the Human Relations Agency in addition to the Department of Social Welfare, the Secretary of the Human Relations Agency shall have responsibility for coordinating the management information systems work in the several departments. The authority of the Secretary of Human Relations to coordinate interdepartmental management information systems work shall not supersede the authority of the directors of the several departments to carry out their responsibilities under this article, or under other provisions of law.

11035. This article shall remain in effect until July 1, 1974, or such earlier date as the Governor may determine when the goals of this article have been achieved and shall have no force or effect after that date.

SEC. 2. The sum of one hundred eight thousand dollars ($108,000) is hereby appropriated from the General Fund to the Department of Social Welfare for the purposes of this act.

Expenditures pursuant to this act shall be made in conformity with Section 4 of the Budget Act of 1969 and the criteria set forth in the Supplementary Report of the Committee on Conference relating to the Budget Bill dated June 30, 1969, pertaining to electronic data processing.

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 development of the information systems authorized by this act to be carried out in a timely and effective manner, with maximum use of available federal funds, it is necessary that this act go into immediate effect.

CHAPTER 1419

An act to add Section 14103.2 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 3, 1969 Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 14103.2 is added to the Welfare and Institutions Code, to read:

14103.2. Whenever the director determines that the services or products of a provider cost the program in excess of reasonable value received, the provider shall thereafter be disqualified from participation in the program The disqualification shall not become effective until an opportunity for a public hearing has been granted.

The department shall conduct a continuing review of reimbursements to all hospitals participating in the program in order to determine if any reimbursements are in excess of reasonable value received The department shall report annually to the Legislature on the reimbursement rates for each hospital and any actions taken as a result of the departmental review.

CHAPTER 1420

An act to repeal Section 14117 of, and to add Section 14117 to, the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 3, 1969 Filed with Secretary of State September 3, 1969]

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

SECTION 1. Section 14117 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 14117 is added to the Welfare and Institutions Code, to read:

14117. (a) When benefits are provided or will be provided to a beneficiary under this chapter because of an injury for which another person is civilly liable, the director 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 intermediary under the California Medical Assistance Pro-

gram with the permission of the Attorney General, or a county through its civil legal adviser, 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 director or in the name of the injured person, his guardian, personal representative, estate, or survivors. In enforcing such right the director may commence and prosecute actions, file liens, or intervene in court proceedings all in the same manner, with the same rights and authority as to notice, settlement and other matters, and to the same extent provided in Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code for an employer or workmen's compensation insurer where payments have been made or a liability incurred by an employer or an insurer under the workmen's compensation laws. In the event that the injured party beneficiary, his guardian, personal representative, estate or survivors or either of them brings an action for damages against the third person who is liable for the injury, notice of institution of legal proceedings, notice of settlement and all other notices required under Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code shall be given to the director in Sacramento except in cases where the director specifies that notice shall be given to the Attorney General.

(b) The director 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 director, or if the director determines that collection would result in undue hardship upon the person who suffered the injury.

(c) No action taken in behalf of the director pursuant to this section or any judgment rendered in such action 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. If a legal proceeding is instituted by the director pursuant to this section notice shall be given to the beneficiary, his guardian, personal representative, estate or survivors or either of them who shall have the right to intervene in the proceeding as where an employer institutes a legal action under Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code and shall otherwise have the rights of an employee under Chapter 5 (commencing with Section 3850), Part 1, Division 4 of the Labor Code. Where an action is brought by the director it shall be commenced within the period prescribed in Section 338 of the Code of Civil Procedure.

CHAPTER 1421

An act to add Chapter 5 (commencing with Section 436.50) to Part 1 of Division 1 of the Health and Safety Code, relating to public health.

[Approved by Governor September 3, 1969 Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Chapter 5 (commencing with Section 436.50) is added to Part 1 of Division 1 of the Health and Safety Code, to read:

CHAPTER 5. LABORATORIES

436.50. On or before July 1, 1970, the State Board of Public Health shall adopt and publish such rules and regulations to be used in approving and governing the operation of laboratories engaging in the performance of tests referred to in Sections 436.51 and 436.52, including the qualifications of the employees of such laboratories who perform such tests, as it determines are reasonably necessary to insure the competence of such laboratories and employees to prepare, analyze, and report the results of such tests. The rules and regulations shall be adopted, only after the State Board of Public Health has consulted with at least one member of each of the following groups: district attorneys, public defenders, coroners, criminalists, pathologists, analytical chemists, and such other persons deemed by the board to be qualified.

436.51. On or after January 1, 1971, the testing by or for law enforcement agencies of blood, urine, or tissue for the purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed only by a laboratory approved and licensed by the State Director of Public Health for the performance of such tests.

436.52. The testing of breath samples by or for law enforcement agencies for purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed in accordance with regulations adopted by the State Board of Public Health.

The rules and regulations shall establish the procedures to be used by law enforcement agencies in administering breath tests for the purposes of determining the concentration of ethyl alcohol in a person's blood. Such rules and regulations shall be adopted and published in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

436.53. Each laboratory in this state which performs the tests referred to in Sections 436.51 and 436.52, shall be licensed by the State Director of Public Health. Each such laboratory,

other than a laboratory operated by the state, city or county or other public agency shall upon application for licensing pay a fee to the State Department of Public Health in an amount, to be determined by the State Board of Public Health, which will reimburse the department for the costs incurred by the department in the issuance and renewal of such licenses, but not to exceed one hundred dollars ($100). On or before each January 1 of each year thereafter, each such laboratory shall pay to the department a fee so determined by the board, not to exceed one hundred dollars ($100), for renewal of its license.

436.54. On or after January 1, 1971, the department shall enforce the provisions of this chapter and such rules and regulations as are adopted by the board.

436.55. On or after January 1, 1971, the department shall annually publish a list of approved and licensed laboratories engaging in the performance of tests referred to in Sections 436.51 and 436.52.

436.56. Every laboratory which has been approved and for which a license has been issued shall be periodically inspected by a duly authorized representative of the state department. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the department and shall be filed with the department.

436.57. Any license issued pursuant to Section 436.53 may be suspended or revoked by the State Director of Public Health for any of the reasons set forth in Section 436.59. The director may refuse to issue a license to any applicant for any of the reasons set forth in Section 436.58. The proceedings under this part 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 director shall have the powers and duties granted therein.

436.58. The State Director of Public Health may deny a license if the applicant or any partner, officer or director thereof:

(a) Fails to meet the qualifications established by the State Board of Public Health pursuant to this part for the issuance of the license applied for.

(b) Was previously the holder of a license issued under this part which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.

(c) Has committed any act involving dishonesty, fraud, or deceit whereby another was injured or whereby applicant has benefited.

436.59. The State Director of Public Health may suspend, revoke, or take other disciplinary action against a licensee as provided in this chapter if the licensee or any partner, officer or director thereof:

(a) Violates any of the regulations promulgated by the State Board of Public Health pursuant to this chapter.

(b) Commits any act of dishonesty, fraud, or deceit whereby another is injured or whereby the licensee benefited.

(c) Has misrepresented any material fact in obtaining a license.

436.60. The State Director of Public Health may take disciplinary action against any licensee after a hearing as provided in this part by any of the following:

(a) Imposing probation upon terms and conditions to be set forth by the director.

(b) Suspending the license.

(c) Revoking the license.

436.61. Upon the effective date of any order of suspension or revocation of any license governed by this part, the licensee shall surrender the license to the State Director of Public Health.

436.62. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (c) of Section 436.59, the accusation may be filed within two years after the discovery by the State Department of Public Health of the alleged facts constituting the fraud or misrepresentation prohibited by said section.

436.63. After suspension of the license upon any of the grounds set forth in this article, the State Director of Public Health may reinstate the license upon proof of compliance by the applicant with all provisions of the decision as to reinstatement. After revocation of a license upon any of the grounds set forth in this part, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation.

CHAPTER 1422

An act to amend Section 17911 of, and to add Part 6 (commencing with Section 19960) to Division 13 of, the Health and Safety Code, relating to housing.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 3, 1969.]

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

SECTION 1. Section 17911 of the Health and Safety Code is amended to read:

17911. The provisions of this part do not apply to any building regulated by Part 2 (commencing with Section 18000) or by Part 6 (commencing with Section 19960) of this division, unless such parts specifically require such application.

SEC. 2. Part 6 (commencing with Section 19960) is added to Division 13 of the Health and Safety Code, to read:

PART 6. FACTORY-BUILT HOUSING

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

19960. This part shall be known and may be cited as the "California Factory-Built Housing Law."

19961. The Legislature hereby finds and declares that in an effort to meet the housing needs within the State of California, the private housing and construction industry has developed mass production techniques which can substantially reduce housing construction costs, and that the mass production of housing, consisting primarily of factory manufacture of dwelling units or habitable rooms thereof, presents unique problems with respect to the establishment of uniform health and safety standards and inspection procedures. The Legislature further finds and declares that by minimizing the problems of standards and inspection procedures, it is demonstrating its intention to encourage the reduction of housing construction costs and to make housing and home ownership more feasible for all residents of the state.

CHAPTER 2. DEFINITIONS

19965. The definitions contained in this chapter govern the construction of this part, unless the context otherwise requires.

19966. "Approved" means conforming to the requirements, and obtaining the approval, of the Department of Housing and Community Development of the State of California.

19967. "Residential building" means any structure designed solely for dwelling occupancy, containing one or more dwelling units and structures accessory thereto.

19968. "Commission" means the Commission of Housing and Community Development of the State of California.

19969. "Department" means the Department of Housing and Community Development of the State of California.

19970. "Dwelling unit" means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

19971. "Factory-built housing" means a residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site in accordance with regulations adopted by the commission pursuant to Section 19990.

19972. "First user" means the person, firm, or corporation who initially installs factory-built housing within this state. A person who subsequently purchases a building which wholly or partially consists of factory-built housing is not a first user within the meaning of this definition.

19973. "Habitable room" means any room meeting the requirements of this part designed for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, connecting corridors, unfinished attics, laundries, foyers, storage spaces, cellars, utility rooms, and similar spaces.

19974. "Installation" means the assembly of factory-built housing on site and the process of affixing factory-built housing to land, a foundation, footings or an existing building.

19975. "Local enforcement agency" means the city, county, or city and county in which factory-built housing is installed.

19976. "Manufacture" is the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, or semifinished materials.

19977. "Site" is the entire tract, subdivision or parcel of land on which factory-built housing is installed.

CHAPTER 3. REGULATION

19980. Factory-built housing manufactured after the effective date of the regulations adopted pursuant to Chapter 4 (commencing with Section 19990) of this part, which is sold or offered for sale to first users within this state, shall bear insignia of approval issued by the department.

The department shall issue insignia for factory-built housing manufactured prior to the effective date of the regulations which meets the standards established by the commission as provided in Section 19990.

This section shall not apply to factory-built housing which is inspected and approved at the place of, and during the time of, manufacture, in accordance with applicable local building requirements, by the local enforcement agency. The cost of any such inspection shall be borne by the manufacturer.

19981. (a) All factory-built housing bearing an insignia of approval pursuant to Section 19980 shall be deemed to comply with the requirements of all ordinances or regulations enacted by any city, city and county, county, or district which may be applicable to the manufacture of such housing.

(b) No factory-built housing bearing a department insignia of approval pursuant to Section 19980 shall be in any way modified prior to, or during, installation unless approval is first obtained from the department.

(c) No factory-built housing which has been inspected and approved by a local enforcement agency shall be in any way modified prior to, or during, installation unless approval for such modification is first obtained from the local enforcement agency.

19982. The commission by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this part.

19983. Nothing in this part shall be construed to prevent the department from delegating by written contract its enforcement authority to local government agencies.

19984. All rules and regulations promulgated by the commission under the authority of this part shall be adopted pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 4. APPLICATION AND SCOPE

19990. The commission shall promulgate rules and regulations to interpret and make specific the provisions of this part. Such rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the Uniform Housing Code, 1967 edition, the Uniform Building Code, 1967 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1967 edition, as adopted by the International Association of Plumbing and Mechanical Officials, and the Uniform Mechanical Code, 1967 edition, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, and the National Electrical Code, 1968 edition, as adopted by the National Fire Protection Association. The commission shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the commission shall consider any amendments to the uniform codes referred to in this section. In the event of any conflict with respect to factory-built houses between the provisions of Part 1.5 (commencing with Section 17910) and this part, the requirements of this part shall control.

19991. The department shall enforce every provision of this part and the regulations adopted pursuant thereto, except as provided in Section 19992.

19992. Local enforcement agencies shall enforce and inspect the installation of factory-built housing. The installation of factory-built housing shall be conducted in accordance with the requirements of Part 1.5 (commencing with Section 17910), as modified by Chapter 9 (commencing with Section 19825) of Part 3. of this division, subject to the provisions of Section 19990.

19993. Local use zone requirements, local fire zones, building setback, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements are hereby specifically and entirely reserved to local jurisdictions notwithstanding any requirement of this part.

19994. The commission shall consult with and obtain the advice of an advisory committee on factory-built housing in the drafting and promulgation of rules and regulations to be

adopted for the purposes of this part. The committee shall consist of 11 members appointed by the Governor, six of whom shall insofar as possible be appointed from the following professional and technical disciplines: at least one member from architecture, one from structural engineering, one from building code enforcement, one from mechanical engineering or contracting, one from electrical engineering or contracting, and one from the construction design or producer industries. The remaining five members shall be appointed from the legislative bodies of cities and counties.

CHAPTER 5. APPEALS

19995. The commission shall hear appeals brought by any person regarding the application to such person of any rule or regulation of the commission promulgated pursuant to this part. Any such appeals shall first be submitted to the local enforcement agency, if any, delegated by the department to enforce the provisions of this part. The commission shall not hear any appeal regarding any local ordinance, rule, or regulation related to the installation of factory-built housing.

19996. The commission may promulgate rules pertaining to the hearing of appeals under the provisions of this chapter.

CHAPTER 6. PENALTIES

19997. Any person who violates any of the provisions of this part or any rules or regulations adopted pursuant to this part is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

CHAPTER 1423

An act to amend Sections 8523, 12080.2, 12080.5, and 12081.2 of the Government Code, relating to executive reorganization.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 8523 of the Government Code is amended to read:

8523. (a) 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 at least 30 days prior to submis-

sion of such plan to the Legislature. 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.

(b) Prior to transmittal of a plan to the Commission on California State Government Organization and Economy pursuant to this section the Governor shall submit each plan to the Legislative Counsel in order that it may be submitted to the Legislature in the form and language suitable for enactment in the statutes at large. The Legislative Counsel shall prepare a digest of the plan which shall be printed upon the lower part of the first page thereof.

It is the intent of the Legislature in requiring the use of statutory format language to insure that reorganization plans submitted to it express clearly and specifically the nature and purposes of the plan.

SEC. 2. Section 12080.2 of the Government Code is amended to read:

12080.2. Whenever the Governor finds that reorganization is in the public interest, he shall prepare one or more reorganization plans in the form and language of a bill as nearly as practicable 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.

SEC. 3. Section 12080.5 of the Government Code is amended to read:

12080.5. 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, or at a later date as may be provided by the plan, unless during such session either house of the Legislature determines by a majority vote of the duly elected and qualified members thereof that further study of such plan is needed and assigns such plan for study to a committee.

SEC. 4. Section 12081.2 of the Government Code is amended to read:

12081.2. The authority of the Governor to transmit reorganization plans pursuant to Section 12080.2 shall remain in effect until December 31, 1971.

If any provision of this act or the application thereof, except Section 12080.5, 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 12080.5, are severable.

CHAPTER 1424

An act to add Chapter 1 (commencing with Section 626) to Title 15 of Part 1 of, to add Section 415.5 to, and to repeal Sections 602.7 and 602.9 of, the Penal Code, relating to school disturbances, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 415.5 is added to the Penal Code, to read:

415.5. (a) Every person who maliciously and willfully disturbs the peace or quiet of any junior college, state college, or state university by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight, or fighting, or by using any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine not exceeding two hundred dollars ($200) or by imprisonment in the county jail for a period of not more than 90 days, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of this section or of any offense defined in Chapter 1 (commencing with Section 626) of Title 15 of Part 1, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of this section or of any offense defined in Chapter 1 (commencing with Section 626) of Title 15 of Part 1, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(b) For the purpose of determining the penalty to be imposed pursuant to this section, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

(c) As used in this section "state university," "state college," and "junior college" have the same meaning as these terms are given in Section 626.

SEC. 2. Section 602.7 of the Penal Code is repealed.

SEC. 3. Section 602.9 of the Penal Code is repealed.

SEC. 4. Chapter 1 (commencing with Section 626) is added to Title 15 of Part 1 of the Penal Code, to read:

CHAPTER 1. SCHOOLS

626. (a) As used in this chapter:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state college, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State Colleges.

(3) "Junior college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of division 18.5 of the Education Code.

(4) "Chief administrative officer" means the president of a state college, Chancellor of the California State Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the superintendent of a junior college district or a school district maintaining a junior college.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

626.2. Every student or employee who, after a hearing, has been suspended or dismissed from a junior college, state college, or state university for disrupting the orderly operation of the campus or facility of such institution, and as a condition of such suspension or dismissal has been denied access to the campus or facility, or both, of the institution for the period

of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by such person, with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

Knowledge shall be presumed if notice has been given as prescribed in this section. The presumption established by this section is a presumption affecting the burden of proof.

626.4. (a) The chief administrative officer of a campus or other facility of a junior college, state college, or state university, or an officer or employee designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. Such report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the

report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a junior college, state college, or state university, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a junior college, state college, or state university to suspend, dismiss, or expel any student or employee at such university or college.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

626.6. In any case in which a person who is not a student or officer or employee of a junior college, state college, or state university, and who is not required by his employment to be on the campus or any other facility owned, operated or controlled by the governing board of any such junior college, state college, or state university, enters such campus or facility, and it reasonably appears to the chief administrative officer of such campus or facility or to an officer or employee designated by him to maintain order on such campus or facility that such person is committing any act likely to interfere with the peaceful conduct of the activities of such campus or facility or has entered such campus or facility for the purpose of committing any such act, the chief administrative officer or officer or employee designated by him to maintain order on such campus or facility may direct such person to leave such campus or facility, and if such person fails to do so or if such person willfully and knowingly reenters upon such campus or facility within 72 hours after being directed to leave, he is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hun-

dred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

626.8. (a) 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, or who reenters or comes upon such place within 72 hours, 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 and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars ($500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars ($500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(b) As used in this section:

(1) "School" means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school.

(2) "Lawful business" means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

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:

The schools and universities of this state are in a state of crisis and turmoil because of the attempts of various individuals to disrupt their operations. In order that the provisions of this act can be applicable in the current situation and alleviate it, it is essential that this act take effect immediately.

CHAPTER 1425

An act to add Section 3306 to the Welfare and Institutions Code, relating to the California Rehabilitation Center

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 3306 is added to the Welfare and Institutions Code, to read:

3306. The Director of Corrections may authorize the temporary removal under custody from the California Rehabilitation Center or any of its branches under the jurisdiction of the Department of Corrections of any person confined therein, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the center or any branch in which he is confined, or for purposes of cooperating voluntarily in medical research which cannot be performed at the prison or institution, or for participating in community action activities directed toward delinquency prevention and community betterment programs. Such removal shall not be for a period longer than one day.

Under specific regulations established by the director for the selection of confined persons, the director may also authorize temporary removal or temporary release of any confined persons for the purpose of furnishing to the confined persons medical treatment not available at the prison or institution for purposes preparatory to a return to the community within 90 days of his release date, or for participating in conservation camp programs.

CHAPTER 1426

An act to amend Section 6873 of the Public Resources Code, relating to oil and gas leases.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 6873 of the Public Resources Code is amended to read:

6873. When leasing tide or submerged lands or beds of navigable rivers or lakes, the commission shall prepare a form of lease which shall contain, in addition to other provisions deemed desirable and necessary by the commission, appropriate provisions contained in this chapter and the following:

(a) Each well drilled pursuant to the terms of the lease may be drilled or slant-drilled to and into the subsurface of the tide or submerged lands or beds of navigable rivers or lakes, covered by the lease from upland, riparian or littoral drill sites owned or controlled by the state or owned by or available, at any time, to the lessee, or from drill sites located upon any filled lands heretofore or hereafter filled, whether contiguous or noncontiguous to the riparian or littoral lands or uplands, or from any pier heretofore or hereafter constructed owned by or available to the lessee and available for such purpose, or from platforms or other fixed or floating structure in, on or over the tide or submerged lands or beds of navigable rivers or lakes, covered by the lease or otherwise available to the lessee.

(b) Pollution and contamination of the ocean, and tidelands, or navigable rivers or lakes, and all impairment of and interference with bathing, fishing or navigation in the waters of the ocean or any bay or inlet thereof, or any navigable river or lake, and all impairment of, and interference with, developed shoreline recreational or residential areas, is prohibited, and no oil, tar, residuary product of oil or any refuse of any kind from any well or works shall be permitted to be deposited on or pass into the waters of the ocean or any bay or inlet thereof or any navigable river or lake; provided, however, that this subsection (b) shall not be deemed to apply to deposit on or passage into said waters of water not containing any hydrocarbons or vegetable or animal matter.

(c) If the lessee, as disclosed by information submitted with his bid, proposes to drill one or more wells from filled lands, whether contiguous or noncontiguous to the riparian or littoral lands or uplands, or from any pier or from platforms or other fixed or floating structures to be constructed for such purpose, and if permission from any federal or state agency is legally required in order to construct any such filled land or structures, the lessee shall be allowed a reasonable time following the execution of the lease within which to secure the necessary permission from such federal and state agencies as shall be legally required. and, upon the securing of such permission, a further reasonable time, determined with regard to the nature of the filled lands or structure or structures to be constructed, within which to commence operations for the drilling of such well or wells. The drilling term of the lease shall be

extended by the commission by a period equal to such reasonable time to secure such permission, and, if necessary, to the date to which the time to commence operations for the drilling of such well or wells has been extended.

(d) Any offshore filled lands or structure or structures constructed for the purpose of drilling pursuant to this section shall conform to the rules and regulations of the commission in effect at the time of invitation for bids in pursuance of which the lease is awarded. Drilling, whether from upland, riparian, littoral or offshore locations, shall be conducted in conformance with such rules and regulations in effect at the time of invitation for bids in pursuance of which the lease is awarded.

In the case of any existing lease of tide or submerged lands, the commission may, with the consent of the other party thereto, amend the same so as to contain or conform with subdivisions (a), (b), (c) and (d) hereof, or any of them, except that the provisions of said subdivision (d) when incorporated into such a lease by such an amendment shall refer to the rules and regulations in effect at the time such amendment is made rather than to those in effect at the time of invitation for bids in pursuance of which the lease is awarded and said subdivision (a) may not be incorporated into such a lease without also incorporating said subdivision (d) therein.

CHAPTER 1427

An act to add Sections 22505, 22508, 22509 to, to add Chapter 3.7 (commencing with Section 22635) to Division 16.5 of, and to add Chapter 4.7 (commencing with Section 31291) of Division 22 of, the Education Code, relating to colleges and universities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 22505 is added to the Education Code, to read:

22505. The chief administrative officer of a junior college, state college, or state university, after a prompt hearing of the facts, shall take appropriate disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the junior college, state college, or state university who has been convicted of a crime arising out of a campus disturbance or, after a hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is re-

quired in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. The provisions of Sections 24308 to 24310, inclusive, shall be applicable to any state college employee dismissed pursuant to this section. The chief administrative officer of each such institution shall submit periodic reports as to the nature and disposition of cases acted upon pursuant to this section to his governing board.

SEC. 2. Section 22508 is added to the Education Code, to read:

22508. (a) As used in this section and Sections 22505 and 22509:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state college and includes any campus or facility owned, operated, or controlled by the Trustees of the California State Colleges.

(3) "Junior college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "Chief administrative officer" means the president of a state college with respect to state college campuses, or Chancellor of the California State Colleges with respect to other property of the California State Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the president of a junior college.

(5) "Civil disturbance" means any occurrence of human origin on the campus or environs of a state university or state college or junior college which in the opinion of the chief administrative officer is beyond the capabilities of the college officials and campus police to effectively control and which unreasonably disrupts the orderly conduct of academic business or instruction.

(b) The chief administrative officer of any state university, state college, or junior college may declare a "state of emergency" whenever he finds that any of the following conditions exists on or near the campus or other facility in such magnitude that is, or is likely to be, beyond the control of the services, personnel, equipment, and facilities of the campus or other facility:

(1) Extreme peril to the safety of persons or property.

(2) Sabotage.

(3) Fire.

(4) Flood.
(5) Epidemic.
(6) Riot.
(7) Earthquake.
(8) Civil disturbance.

SEC. 3. Section 22509 is added to the Education Code, to read:

22509. (a) When a chief administrative officer of any state university or state college or junior college, after declaring a state of emergency pursuant to Section 22508, requests the assistance of the police or sheriff's department of any city, county, or city and county, in the control of a civil disturbance on the campus or environs thereof, the state may, through the Department of Finance whenever money has been appropriated for the purpose and in accordance with any conditions in the appropriation, partially reimburse each police or sheriff's department for its costs in rendering such assistance. It is not the intent of this section to obligate the state to reimburse any police or sheriff's department for such costs. Reimbursement, if any, shall be at the rate of 50 percent of such costs, after one hundred thousand dollars ($100,000) of such costs in total for all local agencies for control of a civil disturbance in any three-consecutive-month period have been sustained. Reimbursement, if any, shall be made within 30 days after receipt of any statement of such cost duly submitted in accordance with requirements of form as may be adopted by the Department of Finance.

(b) The Department of Finance shall determine the items to be allowed as costs and shall determine when all local agencies have sustained, in the aggregate, one hundred thousand dollars ($100,000) of such costs in any three-consecutive-month period. Costs of assistance may include regular wages and overtime paid to peace officers assigned to render assistance during the course of a civil disturbance. Costs of assistance may also include costs of replacement of, or repair to, property of the department destroyed or damaged as a result of assistance given during a civil disturbance.

SEC. 4. Chapter 3.7 (commencing with Section 22635) is added to Division 16.5 of the Education Code, to read:

CHAPTER 3.7. RULES OF STUDENT CONDUCT

22635. The Regents of the University of California, the Trustees of the California State Colleges, and the governing board of every junior college or school district maintaining a junior college, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of such rules and regulations. Every student at such institutions of higher education shall, at the time of registration for a semester or quarter, as the case may be, at such institutions, be provided with a copy of such rules and regulations together with a

statement of the applicable penalties which may be incurred by violation thereof. The Regents of the University of California, the Trustees of the California State Colleges, and the governing board of every junior college or school district maintaining a junior college shall provide for the distribution of any revision of such rules and regulations to students enrolled in such institutions.

22636. The provisions of this chapter shall apply to the Regents of the University of California to the full extent authorized by Section 9 of Article IX of the California Constitution, and it is the intent of the Legislature that the regents adopt rules and procedures which they deem appropriate for carrying out the purposes of this chapter.

SEC. 5. Chapter 4.7 (commencing with Section 31291) is added to Division 22 of the Education Code, to read:

CHAPTER 4.7. FORFEITURE OF STATE AID TO STUDENTS

31291. In accepting a scholarship, loan, fellowship, grant-in-aid, or any other financial aid given or guaranteed by the state for assistance, every recipient thereof who is a student at a public or private university, college, or other institution of higher education, shall be deemed to have agreed to observe the rules and regulations promulgated by the governing authority of the university, college, or other institution of higher education, for the government thereof.

Any recipient of such state financial aid who, on the campus of the university, college, or other institution of higher education, willfully and knowingly commits any act likely to disrupt the peaceful conduct of the activities of such campus, and is arrested and convicted of a public offense arising from such act, may be determined to be ineligible for any such state financial aid for a period not to exceed the ensuing two academic years.

Any recipient of such state financial aid who, after a hearing, is found to have willfully and knowingly disrupted the orderly operation of the campus, but has not been arrested and convicted, may be determined to be ineligible for any state financial aid for such period as the hearing board may determine, not to exceed the ensuing two academic years.

Any such recipient who is suspended from an institution of higher education for such acts shall be ineligible for such state financial aid for a period not less than the time of such suspension.

The governing authority of the university, college, or other institution of higher education shall, for purposes of this section, cause to be reviewed the record of each recipient and shall, as soon as practicable, notify a hearing board established by it of the name of any recipient who committed any such act and was arrested and convicted of any such public offense, or is found to have willfully and knowingly disrupted the

orderly operation of the campus, or has been suspended from an institution of higher education for such acts.

31292. Upon receipt of notice, as provided in Section 31291, that any recipient has committed any act likely to disrupt the peaceful conduct of the activities of the campus and was convicted of a public offense in connection therewith, or is found to have willfully and knowingly disrupted the orderly operation of the campus, or has been suspended from an institution of higher education for such acts, the hearing board shall immediately give the recipient written notice of the report. The notice shall inform the recipient of the pendency of the proceedings for the suspension of assistance. It shall inform the recipient that he may present evidence of mitigating circumstances to the hearing board within 14 calendar days of the date of the mailing of the notice, and shall specify the procedures and means by which such evidence is to be presented, including the date at which any hearing to be afforded him is to be held. The hearing board may prescribe any procedures and means for such purposes which it may deem appropriate, provided that any hearing which may be afforded the recipient shall not be held sooner than seven days after the date of the mailing of the notice.

If no response to the hearing board's notice is made within the period specified in this section, the hearing board may suspend further assistance to the recipient and the suspension shall remain in effect not to exceed the ensuing two academic years.

After the conclusion of proceedings provided for in this section, the hearing board shall, by majority vote, determine whether further assistance to the recipient shall be suspended. If the recipient was arrested and convicted of a public offense arising from campus disruption, the suspension may remain in effect for a period not to exceed the ensuing two academic years. If the recipient is found by the hearing board to have willfully and knowingly disrupted the orderly operation of the campus, but has not been arrested and convicted, the hearing board may suspend further assistance to the recipient for such period as the hearing board may determine not to exceed the ensuing two academic years. If the recipient was suspended from an institution of higher education for such acts, the hearing board shall suspend further assistance to the recipient for a period not less than the time of such suspension. The findings of the hearing board shall be in writing.

The hearing board shall notify the appropriate state agencies of any suspension of state financial aid pursuant to this section, and no state financial aid shall be extended to the recipient during such period.

Any notice required to be made by this section shall be sufficient when it is deposited in the United States registered or certified mail, postage paid, addressed to the last known address of the addressee.

31293. Nothing in this chapter shall be construed to prohibit any public or private university, college, or other institution of higher education from suspending or refusing to grant scholarships, loans, fellowships, grants-in-aid, or any other financial aid given or guaranteed by the state for academic assistance to any individual because of any other misconduct which in its judgment bears adversely on his fitness for such assistance.

31294. For the purposes of this chapter, "state financial aid" means any assistance given or guaranteed by the state which is predicated on attendance at an institution of higher education.

SEC. 6. The Legislature hereby finds and declares that the educational institutions and educational opportunities provided by the University of California, the California State Colleges, and the public junior colleges are essential to the continued welfare of all persons in California. The Legislature also finds that serious disruptions have occurred at several of these institutions, that such disruptions threaten the peaceful pursuit of higher education, and that they are a matter of statewide concern. The Legislature therefore intends that a coherent, fair, and uniform system of discipline be operative upon the campuses of the University of California, the California State Colleges, and the public junior colleges. This act is enacted as a part of such fair and uniform system.

SEC. 7. Sections 22508 and 22509 of the Education Code, as added by Sections 2 and 3 of this act, shall remain in effect until the 91st day after the adjournment of the 1971 Regular Session of the Legislature and shall have no force or effect after that date.

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 fall semester or quarter, as the case may be, at institutions of higher education in this state will commence shortly. So that the campuses may be maintained in an orderly manner and in order to curtail and control disruptions that might occur thereon, it is necessary that this act take effect immediately.

CHAPTER 1428

An act to add Section 9619 to the Government Code, relating to construction of statutes.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 9619 is added to the Government Code, to read:

9619. It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

CHAPTER 1429

An act to amend Section 14790 of the Government Code, relating to purchases.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 14790 of the Government Code is amended to read:

14790. Purchases by the Regents of the University of California are not subject to this article Notwithstanding any other provision of law, purchases by the Trustees of the California State Colleges not exceeding five hundred dollars ($500) are exempt from this article.

CHAPTER 1430

An act to amend Section 6871.2 of, and to add Section 6826.1 to, the Public Resources Code, relating to oil and gas leases on state-owned tide and submerged lands.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 4, 1969]

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

SECTION 1. Section 6871.2 of the Public Resources Code is amended to read:

6871.2. Except as provided in Sections 6872 and 6872 1 of this code, the commission shall not enter into any lease for the extraction of oil and gas from state-owned tide and submerged lands within the areas to which this section is applicable.

The provisions of this section shall be applicable only to the lands within the following described areas, but shall not be construed so as to prohibit operations or activities under any state oil and gas leases of any portion or portions of the tide and submerged lands to which this section is applicable and which leases are in effect on January 1, 1955, nor to pro-

hibit renewals or extensions of any such leases in accordance with the provisions thereof.

(a) All those tide or submerged lands situated in the areas of the County of Los Angeles described as follows:

Area No. 1: Beginning at the point of intersection of the ordinary high-water mark of the Pacific Ocean with the southerly point of Point Fermin; thence in a generally northerly and westerly direction along said ordinary high-water mark to the Ventura county line; thence due south three nautical miles to a point in the Pacific Ocean; thence in a generally easterly and southerly direction parallel to said ordinary high-water mark to a point in the Pacific Ocean three nautical miles due south from the point of beginning; thence due north to the point of beginning.

Area No. 2: The tide and submerged lands surrounding the Islands of San Clemente and Santa Catalina waterward of the ordinary high-water mark of the Pacific Ocean on such islands to a distance three nautical miles therefrom.

(b) All those tide and submerged lands being in the County of Santa Barbara and lying within an area beginning at the point of intersection of the ordinary high water mark of the Pacific Ocean with the westerly line of that certain 408.60 acres, more or less, tract of land shown as belonging to the University of California, Santa Barbara College, upon that certain map thereof, recorded in Book 29 at page 143 Record of Surveys, in the Office of the Santa Barbara County Recorder; thence in a general easterly direction along said ordinary high water mark of the Pacific Ocean to a point distant 500 feet westerly from, measured at right angles thereto, the southerly prolongation of the easterly line of that certain tract of land deeded to Nino Brambilla, et ux., by that certain deed, recorded April 2, 1947, in Book 724 at page 353 of Official Records, in said county recorder's office; thence due south to a point in the Pacific Ocean three nautical miles from said ordinary high water mark; thence in a general westerly direction, parallel with the ordinary high water mark of the Pacific Ocean to a point due south from the point of beginning; thence due north to the point of beginning;

(c) All those tide and submerged lands being in the County of San Luis Obispo and lying within an area beginning at a point on the ordinary high water mark of the Pacific Ocean at the center line of the pier at the Pismo Beach State Beach Park; thence southerly along the ordinary high water mark of the Pacific Ocean to a point 10 statute miles distant in a direct line from said point of beginning; thence on a line due west into the Pacific Ocean a distance of three nautical miles to a point; thence northerly on a line parallel to the ordinary high water mark of the Pacific Ocean to a point which lies due west a distance of three nautical miles from a point on the ordinary high water mark of the Pacific Ocean, which point is distant in a direct line one statute mile northerly from the intersection

of the ordinary high water mark of the Pacific Ocean with the center line of the pier in the State Beach Park at Cayucos; thence southerly along the ordinary high water mark of the Pacific Ocean to the point of beginning.

(d) All those tide and submerged lands being in the Counties of Monterey and Santa Cruz and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Monterey and San Luis Obispo; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean and the bay of Monterey to a point at the intersection of the ordinary high water mark of the Pacific Ocean and the common boundary line between the Counties of Santa Cruz and San Mateo; thence southwest along the prolongation of said common boundary line to a point in the Pacific Ocean, said point being the most westerly boundary line of the County of Santa Cruz; thence in a southerly and easterly direction along the westerly boundary of the Counties of Santa Cruz and Monterey to a point in the Pacific Ocean where said westerly boundary of the County of Monterey intersects with the common boundary between the Counties of Monterey and San Luis Obispo; thence due east to the point of beginning.

(e) All those tide and submerged lands being in the Counties of Humboldt and Mendocino and lying within an area beginning at the intersection of the ordinary high water mark of the Pacific Ocean and the south line of Township 5 South, Humboldt Base Line; thence northerly and westerly along the ordinary high water mark of the Pacific Ocean to the intersection of said high water mark and the north line of Township 1 North, Humboldt Base Line; thence due west to a point in the Pacific Ocean, said point being three nautical miles from the ordinary high water mark; thence in a southerly and easterly direction, parallel to and three nautical miles distant from said high water mark to a point due west from the point of beginning; thence due east to the point of beginning.

SEC. 2. Section 6826.1 is added to the Public Resources Code, to read:

6826.1. The State Lands Commission shall not permit the taking of cores or other samples by means of drilling operations on or under the tide and submerged lands described in subdivision (d) of Section 6871.2 or on tide or submerged lands of the state along the coast of the Pacific Ocean extending from the southerly boundary of the state to the northerly boundary of the City of Newport Beach in Orange County, and any permit issued by the commission for the conduct of geological or geophysical surveys on such lands shall contain a provision expressly prohibiting the taking of such cores or samples on or under such lands. The provisions of this section shall not apply to permit applications by the Department of Public Works for soil surveys or bridge foundation exploration

studies, to the University of California and other accredited institutions of higher education which are engaged in oceanographic research and not engaged in an activity of commercial exploration or exploitation, or to core drilling in connection with the location of nuclear plant sites.

CHAPTER 1431

An act to amend the heading of Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of, to add an article heading immediately preceding Section 13960 of, and to add Article 2 (commencing with Section 13970) to Chapter 5 of Part 4 of Division 3 of, the Government Code, and to repeal Title 5 (commencing with Section 13600) of Part 4 of the Penal Code, relating to indemnification of private citizens.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. The heading of Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of the Government Code is amended to read:

CHAPTER 5. INDEMNIFICATION OF PRIVATE CITIZENS

SEC. 2. An article heading is added immediately preceding Section 13960 of the Government Code, to read:

Article 1. Victims of Crime

SEC. 3. Article 2 (commencing with Section 13970) is added to Chapter 5 of Part 4 of Division 3 of the Government Code, to read:

Article 2. Citizens Benefiting the Public

13970. Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens in appropriate cases for any injury or damage they may sustain as a direct consequence of their meritorious action to the extent that they are not compensated for the injury or damage from any other source.

13971. As used in this article, "private citizen" means any natural person other than a peace officer, fireman, lifeguard, or person whose employment includes the duty to protect the public safety acting within the course and scope of such employment.

13972. In the event a private citizen incurs personal injury or damage to his property in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in materially assisting a peace officer in prevention of a crime or apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, the private citizen or a public safety agency acting on his behalf may file a claim for indemnification to the extent that he is not compensated from any other source for such injury or damage with the State Board of Control. The claim shall generally show:

(a) The date, place and other circumstances of the occurrence or events which gave rise to the claim;

(b) A general description of the activities of the claimant in prevention of a crime, apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) The amount or estimated amount of the injury or damage sustained for which he is not compensated from any other source, insofar as it may be known at the time of the presentation of the claim;

(d) Such other information as the Board of Control may require.

The claim shall be accompanied by a corroborating statement and recommendation from the appropriate state or local law enforcement agency.

13973. 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. At the hearing, the board shall receive recommendations from the Attorney General and law enforcement agencies, and evidence showing:

(a) The nature of the crime committed by the apprehended criminal or prevented by the action of the claimant, or the nature of the action of the claimant in rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, and the circumstances involved;

(b) That claimant's actions substantially and materially contributed to the apprehension of a criminal, the prevention of a crime, or the rescuing of a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) That as a direct consequence, claimant incurred personal injury or damage to property;

(d) The extent of such injury or damage for which he is not compensated from any other source;

(e) Such other evidence as the board may require.

If the board determines, on the basis of such evidence, that the state should indemnify the claimant for the injury or damage sustained, it shall submit a report of the facts and its

conclusion to the Legislature, and a recommendation that an appropriation be made by the Legislature for the purposes of indemnifying the claimant.

SEC. 3.5. Article 2 (commencing with Section 13970) is added to Chapter 5 of Part 4 of Division 3 of the Government Code, to read:

Article 2. Citizens Benefiting the Public

13970. Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens, their widows, and their surviving children in appropriate cases for any injury, death, or damage sustained by such citizens, their widows or their surviving children as a direct consequence of such meritorious action to the extent that they are not compensated for the injury, death, or damage from any other source.

13971. As used in this article, "private citizen" means any natural person other than a peace officer, fireman, lifeguard, or person whose employment includes the duty to protect the public safety acting within the course and scope of such employment.

13972. In the event a private citizen incurs personal injury or death or damage to his property in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in materially assisting a peace officer in prevention of a crime or apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, the private citizen, his widow, his surviving children, or a public safety agency acting on his or their behalf may file a claim with the State Board of Control for indemnification to the extent that the claimant is not compensated from any other source for such injury, death, or damage. The claim shall generally show:

(a) The date, place and other circumstances of the occurrence or events which gave rise to the claim;

(b) A general description of the activities of the private citizen in prevention of a crime, apprehension of a criminal, or rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) The amount or estimated amount of the injury, death, or damage sustained for which the claimant is not compensated from any other source, insofar as it may be known at the time of the presentation of the claim;

(d) Such other information as the Board of Control may require.

The claim shall be accompanied by a corroborating statement and recommendation from the appropriate state or local law enforcement agency.

13973. 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. At the hearing, the board shall receive recommendations from the Attorney General and law enforcement agencies, and evidence showing:

(a) The nature of the crime committed by the apprehended criminal or prevented by the action of the private citizen, or the nature of the action of the private citizen in rescuing a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe, and the circumstances involved;

(b) That the actions of the private citizen substantially and materially contributed to the apprehension of a criminal, the prevention of a crime, or the rescuing of a person in immediate danger of injury or death as a result of fire, drowning, or other catastrophe;

(c) That as a direct consequence, the private citizen incurred personal injury or damage to property or died;

(d) The extent of such injury or damage for which the claimant is not compensated from any other source;

(e) Such other evidence as the board may require.

If the board determines, on the basis of such evidence, that the state should indemnify the claimant for the injury, death, or damage sustained, it shall submit a report of the facts and its conclusion to the Legislature, and a recommendation that an appropriation be made by the Legislature for the purposes of indemnifying the claimant. In no event shall a claim be approved by the board under this article in excess of five thousand dollars ($5,000).

13974. The Board of Control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act.

SEC. 4. Title 5 (commencing with Section 13600) of Part 4 of the Penal Code is repealed.

SEC. 5. It is the intent of the Legislature, if the additions of Article 2 (commencing with Section 13970) to Chapter 5 of Part 4 of Division 3 of the Government Code proposed by both this bill and S.B. 368 are enacted, that both additions be given effect and incorporated in Article 2 in the form set forth in Section 3.5 of this act. Therefore, in the event S.B. 368 is enacted and adds Article 2, Section 3.5 of this act shall become operative at the same time that Article 2 as added by S B. 368 becomes operative, and at that time, Article 2 (commencing with Section 13970) of Chapter 5 of Part 4 of Division 3 of the Government Code as added by Section 3 of this act is repealed.

CHAPTER 1432

An act to amend Section 767 of the Education Code, relating to county superintendents of schools.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1969 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	2.013
(g) Class seven	1.732
(h) Class eight	1.357

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be nine thousand seven hundred twenty dollars ($9,720).

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-nine percent (69%) and the county shall pay thirty-one percent (31%); in all counties within class two (2), the state shall pay sixty-nine percent (69%) and the county shall pay thirty-one percent (31%); for counties within class three (3) the state shall pay seventy-one percent (71%) and the county shall pay twenty-nine percent (29%); for counties within class four (4) the state shall pay seventy-two percent (72%) and the county shall pay twenty-eight percent (28%); for counties within class five (5) the state shall pay seventy-four percent (74%) and the county shall pay twenty-six percent (26%); for counties within class six (6) the state shall pay eighty-one

percent (81%) and the county shall pay nineteen percent (19%); for counties within class seven (7) the state shall pay eighty-eight percent (88%) and the county shall pay twelve percent (12); for counties within class eight (8) the state shall pay eighty-three percent (83%) and the county shall pay seventeen percent (17%).

CHAPTER 1433

An act to amend Section 13655 of the Education Code, relating to classified school employees.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 13655 of the Education Code is amended to read:

13655. Any classified employee of any school district who has been an employee of that district for a period of one calendar year or more and who terminates such employment for the sole purpose of accepting a position in another school district and who subsequently accepts, within 30 days of termination of his former employment, such position, shall have transferred with him to the second district the total amount of earned leave of absence for illness or injury to which he is entitled under Section 13651.1. This transfer shall be in the same manner as is provided for certificated employees.

All or any part of the previous service, not separated by a break in service greater than 30 days as of the last day of paid service, may, if agreed to by the employing district, be construed to have been served in the new district of employment for seniority purposes, except that such previous service may not be counted, for seniority purposes, when position or personnel reduction is ordered, for any reason, by the board.

No governing board shall adopt any policy or rule, written or unwritten, which requires all classified employees, or any individual classification, or group of classifications of employees transferring to its district to waive any part or all benefits which they may be entitled to have transferred in accordance with 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.

CHAPTER 1434

An act to amend Section 18054.6 of the Education Code, relating to transportation allowances.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 18054.6 of the Education Code is amended to read:

18054.6. Of the funds allocated for expenditure for transportation in each fiscal year, there shall be reserved the amount necessary to provide the allowances prescribed by this section, but not to exceed one and one-half percent (1.5%) of the amount designated in subdivision (b) of Section 17303.5.

The allowances prescribed by this section shall be provided in each fiscal year for any eligible school district upon application therefor submitted to the Superintendent of Public Instruction by the governing board of such district. Such allowance shall be provided only if the Superintendent of Public Instruction determines that the transportation expense of the district for the preceding fiscal year is substantially affected by sparsity of population in all or a portion of the district, such as to require that excessive distances be traveled to transport relatively few pupils to the regular day classes of the district.

The Superintendent of Public Instruction shall allow to each eligible district the amount computed as follows:

(a) He shall compute from the annual report of transportation expense of the district the portion of the total transportation expense which is due to travel for excessive distances to transport relatively few pupils.

(b) He shall compute from the annual report of transportation expense of the district, prior to the application of any deficit under Section 18061, the percentage of the approved transportation expense represented by the allowances to the district provided by the other provisions of this article, exclusive of any allowances provided by subdivision (a) of Section 18056 and Section 18058.

(c) He shall multiply the portion of the total transportation expense computed under subdivision (a) by the percentage computed under subdivision (b).

The Superintendent of Public Instruction may adopt rules and regulations defining "excessive distances" and "relatively few pupils," and making provision for any other matter he may deem essential to the effective administration of this section.

CHAPTER 1435

An act to amend Section 4322 of the Business and Professions Code, relating to prophylactics.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 4, 1969]

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

SECTION 1. Section 4322 of the Business and Professions Code is amended to read:

4322. No person shall publicly advertise or display prophylactic products, containers or packages. However, nothing in this section prevents licensed pharmacists, physicians, and public health officers from disseminating information on the availability and use of prophylactics in the prevention of venereal disease; neither does it prevent the publication of professional literature and distribution through professional channels of information on the availability and use of prophylactics in the prevention of venereal disease.

CHAPTER 1436

An act to amend Section 1014 of the Evidence Code, to add Section 2907.5 to, and to add Article 9 (commencing with Section 2995) to Chapter 6.6 of Division 2 of, the Business and Professions Code, relating to professional corporations.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 4, 1969]

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

SECTION 1. Section 1014 of the Evidence Code is amended to read:

1014. Subject to Section 912 and except as otherwise provided in this article, the patient, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and psychotherapist if the privilege is claimed by:

(a) The holder of the privilege;

(b) A person who is authorized to claim the privilege by the holder of the privilege; or

(c) The person who was the psychotherapist at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

The relationship of a psychotherapist and patient shall exist between a psychological corporation as defined in Article 9 (commencing with Section 2995) of Chapter 6.6 of Division 2 of the Business and Professions Code, and the patient to

whom it renders professional services, as well as between such patients and psychotherapists employed by such corporations to render services to such patients. The word "persons" as used in this subdivision includes partnerships, corporations, associations, and other groups and entities.

SEC. 2. Section 2907.5 is added to the Business and Professions Code, to read:

2907.5. Nothing in Section 2907 shall be deemed to apply to the acts and practices of a psychological corporation duly certificated pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code and Article 9 (commencing with Section 2995) of Chapter 6.6 of Division 2 of this code when the psychological corporation is in compliance with (a) the Moscone-Knox Professional Corporation Act; (b) Article 9 (commencing with Section 2995) of Chapter 6.6 of Division 2 of this code; and (c) all other statutes and all rules and regulations now or hereafter enacted or adopting pertaining to such corporation and the conduct of its affairs.

SEC. 3. Article 9 (commencing with Section 2995) is added to Chapter 6.6 of Division 2 of the Business and Professions Code, to read:

Article 9. Psychological Corporations

2995. A psychological corporation is a corporation which is registered with the Psychology Examining Committee of the Board of Medical Examiners of the State of California and has a currently effective certificate of registration from such committee pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code and this article. Subject to all applicable statutes, rules, and regulations, such psychological corporation is entitled to practice psychology. The governmental agency referred to in the Moscone-Knox Professional Corporation Act is the Psychology Examining Committee of the Board of Medical Examiners of the State of California. As used in this article, the "committee" is the Psychology Examining Committee of the Board of Medical Examiners of the State of California.

2995.2. An applicant for registration as a psychological corporation shall supply to the committee all necessary and pertinent documents and information requested by the committee concerning the applicant's plan of operation, including, but not limited to, a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders, and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The committee may pro-

vide forms of application. If the committee finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer (except an assistant secretary or an assistant treasurer), director, shareholder, and each employee who will render professional services is a licensed person as defined in the Moscone-Knox Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the committee, the committee shall, upon payment by the applicant of the registration fee in such amount as it may determine, issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

2995.4. Within such time as the committee may by rule provide, the psychological corporation shall report in writing to the committee any change in directors, officers, employees performing professional services, and share ownership, and amendments to its articles of incorporation and bylaws.

2995.6. Each psychological corporation shall file with the committee annually and at such other times as the committee may require a report containing such information pertaining to qualification and compliance with the statutes, rules, and regulations referred to in Section 2907.5 as the committee may determine. The fee for filing such a report shall be fixed by the committee. All reports shall be signed and verified by an officer of the corporation.

2995.8. The name of a psychological corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, and shall include one of the words specified in subdivision (c) of Section 2902 and the word "corporation" or wording or abbreviations denoting corporate existence.

2996. Except as provided in Section 13403 of the Corporations Code, relating to the Moscone-Knox Professional Corporation Act, each director and each officer of a psychological corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in the Professional Corporation Act.

2996.2. The income of a psychological corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the psychological corporation.

2996.5 A psychological corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule, or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules,

and regulations to the same extent as a person holding a license under Section 2948.

The committee shall have the same powers of suspension, revocation, and discipline against a psychological corporation as are now or hereafter authorized by Section 2960, or by any other similar statute against individual licensees; provided, however, that proceedings against a psychological corporation 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 committee shall have all the powers granted therein.

2996.6. The committee may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a psychological corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a psychological corporation as a condition of obtaining a certificate pursuant to the Moscone-Knox Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

CHAPTER 1437

An act to add Section 42275 to the Vehicle Code, relating to the Motor Vehicle Fund.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 42275 is added to the Vehicle Code, to read:

42275. Notwithstanding any other provision in this chapter, the State Controller may at any time after the 20th day of January of each calendar year transfer in advance moneys not needed for immediate use from the Motor Vehicle Fund to the State Highway Fund for the purpose of leveling, as nearly as possible, the monthly cash received in a fiscal year by the State Highway Fund, thereby providing the opportunity for more efficient use by the California Highway Commission of moneys appropriated for state highway purposes, such transfers shall be made at times and in amounts mutually agreed to by the State Controller and the Director of Public Works. However, if necessary, the Controller may, after at least

15 days' prior notice, transfer back to the Motor Vehicle Fund amounts transferred to the State Highway Fund under this section to pay costs incurred against other appropriations from the Motor Vehicle Fund.

CHAPTER 1438

An act to amend Section 13353 of the Vehicle Code, relating to chemical tests.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 13353 of the Vehicle Code is amended to read:

13353. (a) Any person who drives a motor vehicle upon a highway shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe such person was driving a motor vehicle upon a highway while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine, and he shall be advised by the officer that he has such choice.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure to submit to the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor and that the person had refused to submit to the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing

and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for the purpose of determining the alcoholic content of such person's blood, and, if so requested, the arresting officer shall have the test performed.

CHAPTER 1439

An act to amend Section 53067 of the Government Code, relating to public construction contracts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 53067 of the Government Code is amended to read:

53067. Payment on any contract with a local agency for the creation, construction, alteration, repair, or improvement of any public structure, building, road or other improvement, of any kind which will exceed in cost a total of five thousand dollars ($5,000) shall be made as the legislative body prescribes upon estimates made and approved by the legislative body, but progress payments shall not be made in excess of 95 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the local agency, and unused. The local agency shall withhold not less than 5 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the legislative body finds that satisfactory progress is being made, it may make any of the remaining progress payments in full for actual work completed.

CHAPTER 1440

An act to amend Section 2682 of, and to add Article 8 (commencing with Section 2690) to Chapter 5.7 of Division 2 of, the Business and Professions Code, relating to physical therapy.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 2682 of the Business and Professional Code is amended to read:

2682. There is in the State Treasury the Physical Therapy Fund. All collections from persons licensed or seeking to be licensed and corporations registered or seeking to be registered under this chapter shall be paid by the board into such fund after report to the State Controller at the beginning of each month of the amount and source of the collections. All money in the Physical Therapy Fund is appropriated to carry out the purposes of this chapter.

SEC. 2. Article 8 (commencing with Section 2690) is added to Chapter 5.7 of Division 2 of the Business and Professions Code, to read:

Article 8. Physical Therapy Corporations

2690. A physical therapy corporation is a corporation which is registered with the Board of Medical Examiners with

reference to corporations rendering professional services as physical therapists and has a currently effective certificate of registration from the board pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such physical therapy corporation is entitled to practice physical therapy. With respect to a physical therapy corporation, the governmental agency referred to in the Professional Corporation Act is the Board of Medical Examiners with reference to corporations rendering professional services as physical therapists. As used in this article, the "board" refers to the Board of Medical Examiners.

2691. An applicant for registration as a physical therapy corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation, including but not limited to a copy of its articles of incorporation, certified by the Secretary of State, a copy of its bylaws, certified by the secretary of the corporation, the name and address of the corporation, the names and addresses of its officers, directors, shareholders and employees who will render professional services, the address of each office, and any fictitious name or names which the corporation intends to use. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer (except an assistant secretary or an assistant treasurer), director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

2692. Within such time as the board may by rule provide, the physical therapy corporation shall report in writing to the board any change in directors, officers, employees performing professional services and share ownership, and amendments to its articles of incorporation and bylaws.

2693. Each physical therapy corporation shall file with the board annually and at such other times as the board may require a report containing such information pertaining to qualification and compliance with provisions of law relating to professional corporations as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

2693.5. Notwithstanding any other provision of law, the name of a physical therapy corporation and any name or

names under which it may be rendering professional services, shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, and shall include the words "physical therapy" and the word "corporation," or wording or abbreviations denoting corporate existence.

2694. Except as provided in Section 13403 of the Corporations Code, relating to the Professional Corporation Act, each director and each officer of a physical therapy corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in the Professional Corporation Act.

2695. The income of a physical therapy corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the physical therapy corporation.

2696. A physical therapy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under this chapter. The board shall have the same powers of suspension, revocation and discipline against a physical therapy corporation as are now or hereafter authorized by Section 2660, or by any other similar statute against individual licensees, provided, however, that proceedings against a physical therapy corporation 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.

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a physical therapy corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a physical therapy corporation as a condition of obtaining a certificate pursuant to the Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

CHAPTER 1441

An act to repeal Section 20751.1 of the Education Code, relating to maximum tax rates applicable to school districts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 20751.1 of the Education Code is repealed.

CHAPTER 1442

An act to add Sections 5020 and 5021 to the Vehicle Code, relating to license plates.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 5020 is added to the Vehicle Code, to read:

5020. Any person holding an unexpired license for a class D radio station in the Citizens Radio Service issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration for a passenger vehicle, also apply directly to the department for special license plates, to be affixed to the passenger vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official class D radio station call sign of the applicant as assigned by the Federal Communications Commission.

The applicant shall by satisfactory proof show that he is the holder of an unexpired license, and, in addition to the regular registration fee, may be charged a fee of twenty dollars ($20) for each set of special plates when issued and ten dollars ($10) each succeeding year the vehicle is registered. Whenever the vehicle or the ownership of the vehicle for which plates are issued is changed, a fee of twenty dollars ($20) may be charged.

SEC. 2. Section 5021 is added to the Vehicle Code, to read.

5021. After the requirements for the registration of the vehicle have been complied with, the department shall issue such plates in lieu of the regular license plates. The department shall not issue more than one set of special plates for any licensed class D radio station in the Citizens Radio Service.

CHAPTER 1443

An act to amend Section 12657 of, and to add Section 12648.7 to, the Water Code, relating to flood control.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 12648.7 is added to the Water Code, to read:

12648.7 The project for flood protection on the North Fork of the Feather River near Chester, Plumas County, is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document No. 314, 90th Congress, and adopted and authorized by the Act of Congress approved August 13, 1968 (Public Law 90-483) at an estimated cost to the state of such sums as may be appropriated for state participation by the Legislature upon the 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.

SEC. 2. Section 12657 of the Water Code is amended to read:

12657. Except as otherwise provided in Chapters 1 and 2 of this part, the Reclamation Board shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by Section 3 of the Act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, Second Session), and Section 2 of the Act of Congress approved August 18, 1941 (Public Law 228, 78th Congress, First Session), will be furnished by the state in connection with the flood control projects authorized and adopted in Sections 12648, 12648.1, 12648.2, 12648.3, 12648.4, 12648.5, 12648.6, 12648.7, 12649.1, 12650, 12651, 12652, 12654, and 12656.5 and on any flood control projects on any stream flowing into or in the Sacramento Valley or the San Joaquin Valley heretofore or hereafter approved and authorized by Congress.

CHAPTER 1444

An act to amend Section 10782 of the Revenue and Taxation Code, and to add Section 9102.5 to the Vehicle Code, relating to schoolbus registration and license fees.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 9102.5 is added to the Vehicle Code, to read:

9102.5. In lieu of all other fees which are specified in this code, except fees for duplicate plates, certificates, or cards, a fee of ten dollars ($10) shall be paid for the registration and licensing of any privately owned schoolbus, as defined in Section 545 of this code, which is operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of any public school or private nonprofit educational organization pursuant to a contract between a public school district or nonprofit educational organization and the owner or operator of the schoolbus.

This section shall not, however, be applicable to any schoolbus which is operated pursuant to any contract which requires the public school district or nonprofit educational organization to pay any amount representing the costs of registration and weight fees unless and until the contract is amended to require only the payment of an amount representing the fee required by this section.

SEC. 2. Section 10782 of the Revenue and Taxation Code is amended to read:

10782. (a) The license fee imposed by this part does not apply to any vehicle operated by the state, or by any county, city and county, city, district, or political subdivision of the state, or the United States, as a lessee under a lease, lease-sale, or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of 30 consecutive days or more.

This subdivision does not apply to any vehicle leased under a lease, lease-sale, or rental-purchase agreement made after February 5, 1940, which is used or maintained for the transportation of persons for hire, compensation, or profit.

(b) The license fee imposed by this part does not apply to any privately owned schoolbus, as defined in Section 545 of the Vehicle Code, which is operated in accordance with the rules and regulations of the Department of Education exclusively in transporting school pupils, or school pupils and employees, of any public school or private nonprofit educational organization pursuant to a contract between a public school district or nonprofit educational organization and the owner or operator of the schoolbus.

This subdivision shall not, however, be applicable to any schoolbus which is operated pursuant to any contract which requires the public school district or nonprofit educational organization to pay any amount representing the costs of registration and weight fees unless and until the contract is amended to require only the payment of an amount representing the fee required by this section.

CHAPTER 1445

An act to add Section 1808.5 to the Vehicle Code and to amend Section 10850 of the Welfare and Institutions Code, relating to blind drivers.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 4, 1969]

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

SECTION 1. Section 1808.5 is added to the Vehicle Code, to read:

1808.5. All records of the department relating to the physical or mental condition of any person are confidential and not open to public inspection.

No provision of this article shall in any way limit the right of the department to cooperate with the Department of Social Welfare pursuant to Section 10850 of the Welfare and Institutions Code as to persons eligible for or receiving aid to the blind.

SEC. 2. Section 10850 of the Welfare and Institutions Code is amended to read:

10850. Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such public social service; provided, however, that any agency having custody of such records may make the disbursement records available to the district attorney upon his request. The information thus obtained shall be made available to the district attorney for the official conduct of his office and shall not be used for any other purpose.

Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published or disclosed any list of persons receiving public social services. Except for purposes directly connected with the administration of public social services, no person shall publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient. Any violation of this paragraph is a misdemeanor.

The Department of Social Welfare shall inform the Department of Motor Vehicles of the names, birth dates, and addresses of all applicants or recipients of aid to the blind The Department of Motor Vehicles, upon receipt of such information shall inform the Department of Social Welfare of any such applicant or recipient of aid to the blind who holds a valid California driver's license.

The department may make rules and regulations governing the custody, use and preservation of all records, papers, files and communications pertaining to the administration of the laws relating to public social services. The rules and regulations shall be binding on all departments, officials and employees of the state, or of any political subdivision of the state and may provide for giving information to or exchanging information with agencies, public or private, which are engaged in planning, providing or securing social services for or in behalf of recipients or applicants; and for making case records available for research purposes, provided, that such research will not result in the disclosure of the identity of applicants for or recipients of public social services.

Any person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

10851. The board of supervisors in each county may authorize the destruction or disposition of the case history, or any part thereof, of any recipient of public assistance who has not received such assistance from the county for a period of five years prior thereto.

CHAPTER 1446

An act to add Article 8.6 (commencing with Section 893.20) to Chapter 4 of Division 3 of the Education Code, relating to instructional television.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Article 8.6 (commencing with Section 893.20) is added to Chapter 4 of Division 3 of the Education Code, to read:

Article 8.6. Instructional Television Pilot Program

893.20. The Legislature hereby declares its intent and purpose to realize to the fullest possible extent those potential benefits to the education, prosperity, and well-being of the people of California which may be realized through the use of television for educational purposes, and to make possible the most effective use of such funds as may become available from various sources for such purposes.

893.21. A two-year pilot program providing classes for adults by television for home reception shall be established, commencing with the fiscal year 1970–1971, by the Superin-

tendent of Public Instruction in a school district within a county with a population in excess of 6,000,000 as determined by the 1960 decennial census.

From moneys which may be appropriated therefor, the Superintendent of Public Instruction shall determine and disburse to the school district maintaining the pilot program, allowances for the actual excess current expenses thereof during the fiscal year, but such allowances shall not exceed one-half of the cost to the district of providing such classes during the fiscal year, and shall in no event exceed one hundred twenty-five thousand dollars ($125,000) for each fiscal year. For such purposes, the Superintendent of Public Instruction shall define the phrase "actual excess current expense," and shall include in such definition the cost of preparation, distribution, collections, and processing of materials, tests, and written reports, and the cost of lesson planning.

In the event that the school district cancels its pilot program, it shall promptly repay to the state the allowances disbursed to it for such program.

The State Board of Education shall have the power to adopt all rules and regulations necessary for the effective administration of this article.

The provisions of this act shall be operative until June 30, 1972.

The Superintendent of Public Instruction shall, no later than the fifth legislative day of the 1972 Regular Session, submit to the Legislature a report concerning the operation of the classes for adults and the state financial support provided therefor, under this act, and shall include in his report his recommendations concerning legislation which may be appropriate in connection with the same. The report shall include an evaluation of the instructional effectiveness of the classes for adults based upon a survey of the actual participation of persons in the classes. The extent of participation of school-age minors with adults in the home shall be included in the report.

SEC. 2. The State Board of Education, in approving any state plan for the administration of federal funds to be received pursuant to the provisions of Title III of the Elementary and Secondary Education Act of 1965, shall include the instructional television pilot program contained in Article 8.6 (commencing with Section 893.20) of Chapter 4 of Division 3 of the Education Code in the state plan and shall assure that in the 1970–1971 and 1971–1972 fiscal years an amount of one hundred twenty-five thousand dollars ($125,000) shall be reserved and allocated in each of such fiscal years for the purposes of Article 8 6 (commencing with Section 893.20) and shall be expended according to the following schedule:

(a) One hundred thousand dollars ($100,000) in each fiscal year, 1970–1971 and 1971–1972, for allowances to be provided a school district pursuant to Article 8.6 (commencing with

Section 893.20) of Chapter 4 of Division 3 of the Education Code.

(b) Twenty-five thousand dollars ($25,000) in each fiscal year, 1970–1971 and 1971–1972, for the Department of Education in administering a program pursuant to Article 8.6 (commencing with Section 893.20) of Chapter 4 of Division 3 of the Education Code.

CHAPTER 1447

An act to add Section 6360 to the Public Resources Code, relating to land.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 6360 is added to the Public Resources Code, to read:

6360. Notwithstanding any other provision of law, the boundary line of land lying within the Sacramento-San Joaquin Delta (as defined in Section 12220 of the Water Code) bordering upon tidal waters or upon a navigable stream is, for the purpose of determining boundary location, conclusively presumed to be located at the ordinary high-water mark when such land borders on tidal lands not validly patented into private ownership and at the low-water mark when such land borders upon a navigable stream where there is no tide or where such lands consist of tidelands validly patented into private ownership, as such high- or low-water mark exists upon the effective date of this section and from time to time thereafter where, for a period of not less than 30 years continuously, prior to the effective date of this section, the following facts exist:

(a) The land including any accretion thereto has been occupied openly and notoriously by persons claiming title thereto or their predecessors. Land shall be deemed occupied for the purpose of this section when protected by a substantial enclosure; or when usually cultivated; or when improvements have been constructed thereon by the persons claiming such title or their predecessors, including, in the case of improvements located waterward of the landward toe of a levee, that land surrounding such improvements as is incidental to the usual and reasonable use of the improvements.

(b) Taxes (state, county or municipal) have been levied and assessed during such period on such land including any accretion thereto and such persons or their predecessors have paid all such taxes during such period. The requirements of this subparagraph shall be deemed to have been met during any period when the owner or claimant to such land was exempt from ad valorem taxation.

(c) The persons claiming title or their predecessors have based their claim upon a deed or map, or both, describing or depicting the land including any accretion thereto, which deed or map has been recorded in the office of the recorder of the county in which the land is situated.

Nothing in this section shall be construed as vesting in an adjacent or contiguous landowner title to any lands which have been artificially filled by the landowner or his predecessors or any public agency or which have attached to his lands as a result of an avulsive change in the shoreline or as the result of an avulsive change in the course of, or an artificial rechannelization of, any river or stream, or divesting such landowner of any title which he may have to any lands which have been artificially dredged by the landowner or his predecessors or any public agency or which have detached from his land as a result of an avulsive change in the shoreline or as the result of an avulsive change in the course of, or an artificial rechannelization of, any river or stream.

SEC 2 The State of California and the people thereof are hereby declared to have a primary and supreme interest in securing to the inhabitants and holders of title to lands within the Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, and to the State of California, the maximum possible certainty as to location of the boundary lines between private ownerships and state lands within the delta where the private lands border upon tidal waters or a navigable stream, and in particular to resolve certain well-settled conditions on the basis of the present waterline. The conditions prevailing within the Sacramento-San Joaquin Delta in regard to the accretion or erosion of land are unique as compared to the conditions prevailing in other portions of the State of California, and the enactment of this special law applicable to the delta is therefore necessary for the protection of public and private property therein and for the public good.

CHAPTER 1448

An act to amend Section 100160.5 of the Public Utilities Code, relating to rapid transit.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 100160.5 of the Public Utilities Code as added by Senate Bill No. 49 of the 1969 Regular Session is amended to read:

100160.5 The district may operate charter bus service subject to the following limitations:

(a) No bus equipment which is designed solely for charter service shall be purchased. A bus equipped with a toilet or underfloor baggage compartment shall be deemed charter equipment.

(b) The board shall hold a public hearing prior to adopting a charter rate schedule or any amendment thereof. Notice of the hearing shall be mailed to each charter-party carrier operating within the district at least 30 days prior to the hearing. The notice shall include the proposed charter rate schedule. At the close of the public hearing the board may adopt charter rate schedules which shall not be less than the average for the three largest private charter-party carriers operating similar service in the district.

(c) Charter service shall originate and terminate within the area served by the district unless a private charter-party carrier requests the district to provice service beyond the area served by the district.

CHAPTER 1449

An act to amend Sections 68500.5, 68841, 68901, and 69140 of, and to add Section 68512 to, the Government Code, relating to courts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 68500.5 of the Government Code is amended to read:

68500.5. The annual salary of the Administrative Director of the Courts is thirty-six thousand six hundred eighty-seven dollars ($36,687) and shall be paid out of appropriations for the support of the Judicial Council. He shall have the same qualifications as required by Section 15 of Article VI of the Constitution for a judge of a court of appeal.

SEC. 2. Section 68841 of the Government Code is amended to read:

68841. The annual salary of the Clerk of the Supreme Court and ex officio Secretary of the Judicial Council is twenty-six thousand five hundred sixty-five dollars ($26,565).

SEC. 3. Section 68901 of the Government Code is amended to read:

68901. The annual salary of the reporter of the decisions of the Supreme Court and of the courts of appeal is twenty-three thousand five hundred forty-six dollars ($23,546). The salaries of the assistants shall be established subject to approval of the Department of Finance as provided in Section 18004 of the Government Code. Each of the persons so appointed shall serve in full-time employment.

SEC. 4. Section 69140 of the Government Code is amended to read:

69140. Each court of appeal shall appoint a clerk who serves at its pleasure. In addition to the duties prescribed by law, each clerk shall perform such duties as are required of him by the rules, orders, and practices of the appointing court. The officers provided for herein shall receive an annual salary as follows:

(a) Clerk of the First and Second Appellate Districts: twenty-one thousand seven hundred thirty-five dollars ($21,735).

(b) Clerk of the Fourth Appellate District: twenty-thousand eight hundred thirty dollars ($20,830).

(c) Clerk of the third and Fifth Appellate Districts: nineteen thousand nine hundred twenty-four dollars ($19,924).

SEC. 5. Section 68512 is added to the Government Code, to read:

68512. The Chairman of the Judicial Council, with the approval of the Director of Finance, may adjust the salaries of the following judicial officers by the same percent as is granted state employees of comparable salary level as a general salary increase after July 1, 1969:

(a) The Clerk of the Supreme Court whose salary is set by Section 68841.

(b) The reporter of decisions for the Supreme Court and of the courts of appeal whose salary is set by Section 68901.

(c) The clerks of the courts of appeal whose salaries are set by Section 69140.

CHAPTER 1450

An act making an appropriation for participation in the West Coast Air Corridor Study Program.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred thousand dollars ($100,000) to the Department of Aeronautics for expenditure in participating in the West Coast Air Corridor Study Program to study, evaluate and eventually test short-haul systems of air transportation.

CHAPTER 1451

An act to add Sections 437.7, 437.8, 437.9, 438, 438.1, 438.2, 438.3, 438.4, 438.5, 1402.1, and 1402.2 to the Health and Safety Code, and to add Sections 7003.1 and 7003.2 to the Welfare and Institutions Code, relating to health facilities.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. This act establishes a permanent basis for voluntary area planning to guide communities in developing hospitals and other health facilities of a desirable size and location and commitment to community service purposes. Through continued coordinated development of hospitals and related health facilities and services, including facilities licensed by the Department of Mental Hygiene, the people of the State of California can obtain more effective service and can save substantial sums in capital costs and operating expenses.

Area planning for hospitals and related health facilities and services is complex and includes sensitive relationships between consumers, professional groups, institutions, and governments.

The purpose of this act is to establish a public policy that each hospital and related health facility, including facilities licensed by the Department of Mental Hygiene, proposed to be constructed, expanded, or altered for the purpose of increasing bed capacity or changing license category shall in good faith review its plans and program with an approved voluntary area health planning agency or voluntary local health planning agency and obtain its objective reviews and recommendations before proceeding to licensure. It shall also be a purpose of this act that all state and local governmental zoning and planning agencies shall, within the limits of statutory authority, give consideration to, but not be bound by, the actions, recommendations and decisions of such approved voluntary area health planning agency or voluntary local health planning agency.

SEC. 2. Section 437.7 is added to the Health and Safety Code, to read:

437.7. In order to assure availability of objective and impartial review by planning groups (referred to as voluntary area health planning agencies) of hospitals and related facilities, including facilities licensed by the Department of Mental Hygiene, or proposed projects for new, additional or revised hospital and related health facility projects, including facilities licensed by the Department of Mental Hygiene, the Health Planning Council, from time to time, shall approve no more than one voluntary area health planning agency for any designated area of the state, provided such group shall meet the following criteria:

(a) Shall be incorporated as a nonprofit corporation and be controlled by a board of directors consisting of a majority representing the public and local government as consumers of health services with the balance being broadly representative of the providers of health services and the health professions.

(b) Shall review information on utilization of hospitals and related health facilities.

(c) Shall develop principles for the determination of community need and desirability to guide hospitals and related health facilities in acting in the public interest. Such principles shall be consistent with the general guidelines developed by the Health Planning Council in accordance with Section 437.8.

(d) Shall conduct public meetings in which members of the health professions and consumers will be encouraged to participate.

(e) Shall review individual proposals for the construction of new or additional hospital and related health facilities, the conversion of one type of facility to a different category of licensure or the creation or expansion of new areas of service, and make decisions as to the need and desirability for the particular proposal in accordance with the principles developed pursuant to subdivision (c).

(f) Individual proposal reviews shall be in accordance with administrative procedures established by the Health Planning Council, which shall include, but need not be limited to:

(1) A public hearing.

(2) Reasonable notice.

(3) Right to representation by counsel.

(4) Right to present oral and written evidence and confront and cross-examine opposing witnesses.

(5) Availability of transcript at applicant's expense.

(6) Written findings of fact and recommendations to be delivered to applicant and filed with the State Department of Public Health as a public record.

(g) Shall have a plan to finance the procedure which shall include, but not necessarily be limited to. filing fees and charges for processing and appeal.

Voluntary area health planning agencies may divide their areas into local areas for purposes of more efficient health facility planning, with the approval of the Health Planning Council. Such local areas shall be of a geographic size and contain adequate population to insure a broad base for planning decisions. Each local area shall contain a voluntary local health planning agency which shall meet the criteria in subdivisions (a) through (g) of this section.

An organization which meets the criteria in subdivisions (a) through (g) of this section may make application to its voluntary area health planning agency for designation as a voluntary local health planning agency for a designated area. After a complete application has been received, the area agency shall

reach a decision concerning the application. The decision, or lack of decision, of the area agency may be appealed to the Health Planning Council. Any appeal shall be made within 30 days of the decision or lack of decision.

Approval of voluntary area and local area health planning agencies, adoption of statewide general principles for planning and the adoption of administrative procedures for voluntary area and local area health planning agencies shall be made by the Health Planning Council only after notice and public hearing.

SEC. 3. Section 437.8 is added to the Health and Safety Code, to read:

437.8. The Health Planning Council shall develop general principles to guide voluntary area and local area health planning agencies in the performance of their responsibilities under Section 437.7. These principles shall provide for consideration of the following factors and may provide other guidelines not inconsistent herewith:

(a) The need for health care services in the area and the requirements of the population to be served by the applicant;

(b) The availability and adequacy of health care services in the area's existing facilities which currently conform to federal and state standards;

(c) The availability and adequacy of other services in the area such as preadmission, ambulatory or home care services which may serve as alternatives or substitutes for the whole or any part of the services to be provided by the proposed facility;

(d) The possible economies and improvement in service that may be derived from operation of joint, cooperative, or shared health care resources;

(e) The development of comprehensive services for the community to be served. Such services may be either direct or indirect through formal affiliation with other health programs in the area, and include preventive, diagnostic, treatment and rehabilitation services. Preference shall be given to health facilities which will provide the most comprehensive health services and include outpatient and other integrated services useful and convenient to the operation of the facility and the community.

SEC. 4. Section 437.9 is added to the Health and Safety Code, to read:

437.9. Every application to a voluntary area or local area health planning agency shall include at least the following information:

(a) The general geographic area to be served;

(b) The population to be served, broken down by age and sex, as well as projections of population growth, broken down by age and sex;

(c) The anticipated demand for the health care service or services to be provided;

(d) A description of the service or services to be provided;

(e) Utilization of existing programs within the area to be served offering the same or similar health care services;

(f) The benefit to the community which will result from the development of the facility as well as the anticipated impact on other institutions offering the same or similar services in the area.

SEC. 5. Section 438 is added to the Health and Safety Code, to read:

438. Every application to the voluntary area health planning agency shall be complete before it is considered by the agency. After a complete application has been received, the agency shall reach a decision within 90 days of its receipt, provided that such period shall be extended by any additional time required because of continuance or continuances of the time set for hearings requested by the applicant or caused by the failure of the applicant to comply with the published procedures of the voluntary area health planning agency.

An application from an applicant in an area which has a voluntary local health planning agency shall be made to that agency. The application shall be complete before it is considered by the agency. After a complete application has been received, the agency shall make a recommendation to its area agency within 90 days of its receipt, provided that such period shall be extended by any additional time required because of continuance or continuances of time set for hearings requested by the applicant or caused by the failure of the applicant to comply with the published procedures of the voluntary local health planning agency. The recommendation or lack of recommendation of the local agency shall be reported to its area agency immediately after the recommendation has been reached or the time set forth in the first paragraph of this section has lapsed. The area agency will have 30 days in which to review the recommendation or lack of recommendation of its local agency and may approve, modify, or reject it. Failure to act within 30 days shall be deemed approval of the local agency recommendation by the area agency. The result of either action or failure to act by the area agency on a recommendation or lack of recommendation will be its decision on the application.

SEC. 6. Section 438.1 is added to the Health and Safety Code, to read:

438.1. The decision or lack of decision of a voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary area health planning agency acting as an appeals body may be appealed by the applicant or by more than one-third of the members of the board of directors of the voluntary area health planning agency. The appeal by the members of the board shall be made directly to the Health Planning Council. The appeal by the applicant shall be made to the consumer members of another voluntary area health planning agency as previously designated by the Health

Planning Council. The Health Planning Council, on a periodic basis, shall designate the voluntary area health planning agency or agencies, the consumer members of which shall be the appeals body or bodies for another voluntary area health planning agency; provided that such agencies shall not be the appeals body or bodies for each other.

The decision of a voluntary area health planning agency upon reviewing the recommendation or lack of recommendation of a voluntary local health planning agency may be appealed by more than one-third of the members of the board of directors of the voluntary local health planning agency. The appeal by the members of the board shall be made directly to the Health Planning Council. The Health Planning Council shall develop guidelines for appeal procedures for the voluntary area health planning agencies.

SEC. 7. Section 438.2 is added to the Health and Safety Code, to read:

438.2. An appeal by an applicant shall be requested within 30 days of the decision by the voluntary area health planning agency. The appeal shall be decided within 90 days of the date that an appeal is requested, provided that the period shall be extended by any additional time required because of any continuance or continuances of the time set for appeal requested by the appellant or caused by the failure of the appellant to comply with the published procedures of the appeals panel.

SEC. 8. Section 438.3 is added to the Health and Safety Code, to read:

438.3. An applicant may petition the Health Planning Council for a hearing on the decision on appeal. A petition for hearing shall be made within 30 days of the appealed decision.

The required number of members of the board of directors may petition the Health Planning Council for a hearing on the decision of the voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary area health planning agency acting as an appeals body. A petition for hearing shall be made within 30 days of the decision of the voluntary area health planning agency or the decision or lack of decision of the consumer members of a voluntary health planning agency acting as an appeals body.

The Health Planning Council shall grant a hearing if at least one-third of the voting members of the council certify in writing that they agree to a hearing. Such certification shall be made within 60 days of the receipt of the petition for hearing.

If the required number of voting members agree to a hearing, the council shall reach a decision within 90 days of the date of agreement. At least one hearing shall be held on the appeal, but it may be heard by a committee of the council composed of at least three voting members, a majority of whom shall be consumers. The final decision on the appeal shall be made by the full council.

SEC. 9. Section 438.4 is added to the Health and Safety Code, to read:

438.4. The voluntary area health planning agency, acting upon an application originally or reviewing a recommendation of a voluntary local health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body, and the Health Planning Council shall make one of the following decisions:

(a) Approve the application in its entirety;

(b) Deny the application in its entirety;

(c) Approve the application subject to modification by the applicant, as recommended by the body involved.

A decision shall become final when all rights to appeal have been exhausted. Approval shall terminate 12 months after the date of such approval unless the applicant has commenced construction or conversion to a different license category and is diligently pursuing the same to completion as determined by the voluntary area health planning agency; or unless the approval is extended by the voluntary area health planning agency for an additional period of up to 12 months upon the showing of good cause for the extension.

SEC. 10. Section 438.5 is added to the Health and Safety Code, to read:

438 5. Recognition of findings of fact, recommendations or decisions of voluntary area health planning agencies or voluntary local health planning agencies as to the need and desirability of new or additional bed capacity or change of license category of existing beds shall be recognized by local governmental zoning and planning agencies as being in the public interest and shall not be reversed except by a clear preponderance of the evidence in a particular case; provided that such decisions were not appealed. If appealed, they shall be recognized only to the extent that they have been finally affirmed on appeal.

SEC. 11. Section 1402.1 is added to the Health and Safety Code, to read:

1402.1. In addition to the requirements of Section 1402, any person, political subdivision of the state or governmental agency desiring a license under the provisions of this chapter which shall cover a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, except outpatient and emergency services, shall file with the state department a verified statement on a form prescribed, prepared, and furnished by the department containing:

(a) The date applicant filed its complete application for new or additional bed capacity or conversion of an existing bed capacity with the voluntary area health planning agency or voluntary local health planning agency approved pursuant to Section 437.7.

(b) The date or dates the voluntary area health planning agency or voluntary local health planning agency held a

public hearing or hearings on the proposal, and evidence that the applicant participated in the hearing in accordance with established procedures of such group.

(c) The date the voluntary area health planning agency or the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council made a final and favorable decision concerning the new or additional bed capacity or conversion of facilities and a statement that the time for appeal has expired, or in the case of a modified approval, that the modifications have been made, or

(d) That the time allowed for decision has passed and no decision has been made or that the voluntary area health planning agency failed to act upon a lack of recommendation by the voluntary local health planning agency within the time allowed, or

(e) That more than 12 months have expired since a decision has been reached by the voluntary area health planning agency.

SEC. 12. Section 1402.2 is added to the Health and Safety Code, to read:

1402.2. The department may review but shall not approve any construction plans or issue any license under this chapter which shall cover new or additional bed capacity or the conversion of an existing bed capacity to a different license category, except outpatient and emergency services, until the applicant has complied with the provisions of Section 1402 1.

SEC. 13. Section 7003.1 is added to the Welfare and Institutions Code, to read:

7003.1. In addition to the requirements of Section 7003, any private institution desiring a license under the provisions of this chapter which shall cover a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, except for outpatient and emergency services, shall file with the department a verified statement on a form prescribed, prepared and furnished by the department containing:

(a) The date applicant filed its complete application for new or additional bed capacity or conversion of an existing bed capacity with the voluntary area health planning agency or voluntary local health planning agency approved pursuant to Section 437.7 of the Health and Safety Code.

(b) The date or dates the voluntary area health planning agency or voluntary local health planning agency held a public hearing or hearings on the proposal, and evidence that the applicant participated in the hearing in accordance with established procedures of such group.

(c) The date the voluntary health planning agency, a voluntary area health planning agency acting as an appeals body or the Health Planning Council made its final and favorable decision concerning the new or additional bed capacity or con-

version of facilities and a statement that the time for appeal has expired, or in the case of a modified approval, that the modifications have been made, or

(d) That the time allowed for decision has passed and no decision has been made or that the voluntary area health planning agency failed to act upon a lack of recommendation by the voluntary local health planning agency within the time allowed, or

(e) That more than 12 months have expired since a decision has been reached by the voluntary area health planning agency.

SEC. 14. Section 7003.2 is added to the Welfare and Institutions Code, to read:

7003.2. The department may review but shall not approve any construction plans or issue any license under this chapter which shall cover new or additional bed capacity or the conversion of an existing bed capacity to a different category, except for outpatient and emergency services, until the applicant has complied with the provisions of Section 7003.1.

SEC. 15. Within 90 days of the effective date of this act, the Health Planning Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans.

SEC. 16. This act shall not apply to any facilities which have been approved for federal or state funds pursuant to Chapter 3 (commencing with Section 430) of Part 1 of Division 1 of the Health and Safety Code prior to July 1, 1970.

SEC. 17. 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.

CHAPTER 1452

An act to add Section 14105.5 to the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 14105.5 is added to the Welfare and Institutions Code, to read:

14105.5. The director shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans.

SEC. 2. This act shall become operative only if Assembly Bill No. 1340 is enacted by the Legislature at its 1969 Regular Session.

CHAPTER 1453

An act to add Article 2.8 (commencing with Section 13250) to Chapter 2 of Division 10 of the Education Code, relating to the New Careers in Education Program, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

I object to the $125,000 appropriation in Assembly Bill No. 1362, and I hereby reduce said appropriation from $125,000 to $62,500
With this reduction, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Article 2.8 (commencing with Section 13250) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 2.8. New Careers in Education Act

13250. It is the intent and purpose of the Legislature by enacting this chapter to make provisions for a New Careers Program to recruit and train persons who have completed at least 60 units of college work in a junior college or a four-year institution of higher education for teaching in low-income elementary schools. It is the further intent and purpose of this chapter to provide a means by which capable persons of low-income background may enter the teaching profession. The New Careers Program is designed to provide practical teaching experience in schools with high concentrations of low-

income families, as determined by the Director of Compensatory Education, concurrently with upper division academic and professional education.

13250.2. The University of California, the California State Colleges, or any private institution of higher education may participate in the program prescribed in this article.

13250.4. Any school district may enter into an agreement with the University of California, California State Colleges, or any private institution of higher education to participate in the New Careers Program prescribed in this article.

13250.6. The State Department of Education may enter into an agreement with a participating school district to provide training and to share administrative costs and salary support in the New Careers Program prescribed in this article.

A person selected to participate in the program prescribed in this article shall be known as an "intern."

13250.8. Any person who has completed at least 60 units of collegiate work and who has lived or worked extensively in areas of high concentrations of low-income families, or is a member of a minority racial or ethnic group who has lived and worked extensively in low-income areas, shall be eligible to be selected to participate in the program prescribed in this article. An intern shall be selected on the basis of high teaching potential and shall meet the personal qualifications for the issuance of a credential prescribed in Section 13129. The intern shall give reasonable evidence that he will teach for at least two years following the training program in a school in a low-income area.

Recruitment of interns for this program shall be primarily from two groups: (1) junior college or lower division college students or other persons having completed 60 units of college work and (2) teacher aides already employed under Sections 6481.5, 13253, or 13770 to 13777, inclusive, and other programs providing training and teacher aide experience in the classroom setting.

13250.10. An intern shall be enrolled in at least a 6-week, but not more than a 12-week, preservice program at the participating university, state college, or private institution of higher education.

13250.12. The participating university, state college, or private institution of higher education and school district shall jointly select the interns and team leaders to participate in the program prescribed in this article.

A team leader shall be an experienced teacher who has demonstrated capability in teaching educationally disadvantaged pupils and shall be directly responsible to direct, aid, coordinate, and supervise interns in their internship pursuant to this article in the participating school district.

13250.14. The team leader shall have at least 6 but not more than 10 interns under his supervision. The team leader and his interns shall assist in the teaching process in the participating school district.

13250.16. An intern shall enroll in a course of study at the participating university, state college, or private institution of higher education which will lead to a baccalaureate degree and a teaching credential.

13250.18. The team leader and his interns shall, in addition to teaching duties, be afforded time for a teacher education program to be carried out under the guidance of the team leader in cooperation with the participating university, state college, or private institution of higher education.

13250.20. The participating school district shall pay at least 10 percent, but not more than 90 percent, of the compensation to be paid the following participants in the New Careers Program:

(a) Team leaders, who shall receive compensation at a rate the equivalent to that paid other experienced teachers in the participating school district with similar professional preparation and responsibilities.

(b) Interns, who shall receive seventy-five dollars ($75) a week, plus a fifteen dollars ($15) a week dependents allowance for each dependent.

13250.22. The participating school district shall pay to the intern an amount equivalent to the tuition fees or college or university fees, or both, if levied, upon the intern attending the participating university, state college, or private institution of higher education.

13250.24. The Director of Compensatory Education shall, under the policy direction of the State Board of Education and the administrative direction of the Director of Education, provide administrative assistance with respect to the program prescribed in this article and shall adopt rules and regulations with respect thereto.

13250.26. The Department of Education shall reimburse school districts participating in the New Careers Program for the expenses incurred by the school district pursuant to Sections 13250.20 and 13250.22.

13250.28. The participating university, state college, and private institution of higher education shall fund its own costs involved in the program prescribed by this article.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury for the 1969–1970 fiscal year to the Department of Education the sum of one hundred twenty-five thousand dollars ($125,000) to be allocated for purposes of Article 2.8 (commencing with Section 13250) of Chapter 2 of Division 10 of the Education Code.

CHAPTER 1454

An act to add Article 6.1 (commencing with Section 8121) to Chapter 3, Division 7 of the Education Code, and to add Sections 11113, 11114, and 11115 to, and Chapter 1.5 (commencing with Section 11200) to Division 5 of, the Vehicle

Code, relating to driver training, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. The Legislature finds that there is a need to evaluate the automobile driver training programs in the secondary schools and to compare the costs and benefits of such programs with the training offered by commercial driving schools. The Legislature also finds that there is a need to evaluate new methods of driver training.

To this end, the Legislature proposes a scientific study, the subjects of which, would be a limited number of eligible students in selected school districts. The study shall be structured, controlled, and regulated so as to assure valid conclusions.

SEC. 2. Article 6.1 (commencing with Section 8121) is added to Chapter 3 of Division 7 of the Education Code, to read:

Article 6.1. Experimental Driver Training Districts

8121. "Experimental driver training district," as used in this article, means a school district which may contract with a certified driver training school for the purpose of providing automobile driver training to eligible students.

8122. "Certified commercial driving school," as used in this article, means a driving school licensed pursuant to Chapter 1 (commencing with Section 11100) of Division 5 of the Vehicle Code.

8123. The Superintendent of Public Instruction, in consultation with, and with the approval of, the Department of Motor Vehicles, shall randomly select, using scientific methods, not to exceed 20 school districts which shall be designated experimental driver training districts.

8124. The State Department of Education shall reimburse fully the experimental driver training districts for all costs incurred by their automobile driver training programs from July 1, 1970, to June 30, 1971.

8125. The experimental driver training districts shall contract with certified commercial driving schools for the training from July 1, 1970 to June 30, 1971 of a scientifically selected number of students designated by the Department of Motor Vehicles pursuant to Section 11200 of the Vehicle Code. The contract shall provide, among other things, that if the Department of Motor Vehicles determines that the driving school is not providing automobile driver training which satisfies the requirements for such training prescribed pursuant to the Education Code, the contract may be canceled.

8126. For the period from July 1, 1970 to June 30, 1971, the certified commercial driving schools and the secondary schools shall each train their respective test groups established by the Department of Motor Vehicles pursuant to Section 11200 of the Vehicle Code, as follows:

(a) One group shall receive the training prescribed by Section 18252.4 of the Education Code.

(b) The other group shall, in addition to the training prescribed by subdivision (a), receive four hours of behind-the-wheel practice driving instruction.

8127. The State Department of Education shall adopt reasonable regulations necessary to carry out the purposes of this article.

SEC. 3. Section 11113 is added to the Vehicle Code, to read:

11113. Each instructor employed by a certified commercial driving school for training eligible students pursuant to Section 8126 of the Education Code shall have previously passed a driving instructors course in conformance with the standards promulgated by the Highway Safety Act of 1966 (Pub.L. 89-564, 80 Stat. 731). Only courses approved and monitored by the department under Section 11114 meet this requirement.

SEC. 4. Section 11114 is added to the Vehicle Code, to read:

11114. The department shall establish standards for, approve, and monitor courses of instruction for driving instructors which meet the recommendations set forth under the Highway Safety Act of 1966 (Pub.L. 89-564, 80 Stat. 731).

SEC. 4.5. Section 11115 is added to the Vehicle Code, to read:

11115. The department shall monitor all training given by certified commercial driving schools under contracts pursuant to Section 8125 of the Education Code.

SEC. 5. Chapter 1.5 (commencing with Section 11200) is added to Division 5 of the Vehicle Code, to read:

CHAPTER 1.5. STUDY OF COMMERCIAL DRIVING SCHOOL TRAINING

11200. The department shall conduct a scientific study of the automobile driver training programs in the experimental school districts established pursuant to Article 6.1 (commencing with Section 8121) of Chapter 3 of Division 7 of the Education Code, for the purpose of comparing the costs and benefits of training students in commercial driving schools with the costs and benefits of the training offered by the schools. To this end, the department shall select, using scientific selection procedures, for the period of July 1, 1970 to June 30, 1971, which students shall be trained in the certified commercial driving schools and which students shall be trained in the secondary schools. The number of students so selected shall not exceed 40 percent of the eligible students.

The department shall assign each student selected to be trained in the certified commercial driving schools to one of the two test groups designated by Section 8126 of the Education Code. The department shall assign each student selected to be trained in the secondary schools to one of the two test groups designated by Section 8126 of the Education Code.

11201. The study shall include, but not be limited to, comparing the motor vehicle accident and violation rates of those students receiving automobile driver training from the secondary schools with those receiving automobile driver training in the commercial schools. The study shall also relate the following factors, but not limited to relating such factors, to the motor vehicle and accident rates of the students in the study: age, sex, previous automobile driver training experience, driving experience, social and economic background, and the length of time between training and licensing.

11202. The department may request, and shall receive, from the experimental school districts and the State Department of Education such assistance as is necessary to carry out the study.

11203. The department shall submit an interim report to the Legislature on or before the fifth legislative day of the 1972 Regular Session. The department shall submit a final report to the Legislature on or before the fifth legislative day of the 1974 Regular Session.

SEC. 6. There is hereby appropriated from the Driver Training Penalty Assessment Fund to the Director of Finance the following sums for allocation pursuant to the following schedule:

(a) To the Department of Education the sum necessary to carry out the purposes of Section 8124 of the Education Code.

(b) Seventy-five thousand dollars ($75,000) to the Department of Motor Vehicles for the 1969–1970 fiscal year to carry out the purposes of Sections 11114 and 11115 of the Vehicle Code.

(c) Three hundred thousand dollars ($300,000) to the Department of Motor Vehicles to carry out the purposes of Chapter 1.5 (commencing with Section 11200) of Division 5 of the Vehicle Code.

SEC. 7. This act shall have no force or effect on and after July 1, 1974.

CHAPTER 1455

An act to amend Section 12202 of the Revenue and Taxation Code, relating to taxation of insurers.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 12202 of the Revenue and Taxation Code is amended to read:

12202. The rate of tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent except the rate to be applied to the basis in respect to the years 1964, 1965, 1966, and 1967 is 2.33 percent and except that as to gross premiums received upon policies or contracts issued in connection with a pension plan or profit-sharing plan exempt or qualified under Section 401(a), 403(b), 404, or 501(a) of the United States Internal Revenue Code as they may be amended or renumbered from time to time, the rate of tax shall be the percentage set forth below opposite each year:

Year	Percentage
1960	2.15
1961	1.95
1962	1.75
1963	1.55
1964	1.35
1965 through 1968	1.00
1969 and each year thereafter	0.50

CHAPTER 1456

An act to add Sections 12747, 12747.1, and 12747.2 to the Water Code, relating to flood control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 12747 is added to the Water Code, to read:

12747. The plan of improvement for flood control and other purposes on Cucamonga Creek in San Bernardino County is hereby adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 323, 90th Congress, as adopted and authorized by the Act of Congress approved August 13, 1968 (Public Law 90-483, the "Flood Control Act of 1968"), at an estimated 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 12747.1 is added to the Water Code, to read:

12747.1. 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 August 13, 1968 (Public Law 90-483, the "Flood Control Act of 1968"), will be furnished by the district in connection with the plan of improvement for flood control adopted and authorized in Section 12747.

SEC. 3. Section 12747.2 is added to the Water Code, to read:

12747.2. 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 12747 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.

SEC. 4. The Lower Llagas Creek Watershed Project is included among the watershed projects for which funds may be expended from the appropriation made by Item 349 of the Budget Act of 1969.

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:

The Lower Llagas Creek Watershed Project has been authorized by the federal government and is ready for construction. In order that construction may start, it is necessary to provide the lands, easements, and rights-of-way. This bill will permit state reimbursement of the cost of lands, easements, and rights-of-way, so that protection from floods can be provided as early as possible.

CHAPTER 1457

An act to amend Section 437.5 of the Health and Safety Code, relating to health planning.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 437.5 of the Health and Safety Code is amended to read:

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 The council shall review all project grant applications for public funds that relate to health and which are administered either directly or indirectly by state agencies, except funds appropriated by the Legislature. Such review shall include the priority of each project, its relationship to projects funded under the provisions of the Comprehensive Health Planning Act, Public Law 89-749, and its relationship to statewide health needs.

(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.

CHAPTER 1458

An act to add Section 830.7 to the Penal Code, relating to peace officers.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 830.7 is added to the Penal Code, to read:

830.7. Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of such officer.

CHAPTER 1459

An act to add Section 3 to Chapter 1461 of the Statutes of 1968, relating to state beaches and parks, making an appropriation therefor, and declaring the urgency thereof to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 3 is added to Chapter 1461 of the Statutes of 1968, to read:

Sec. 3. Notwithstanding the provisions of Section 2 of this act, funds appropriated pursuant to Section 1 of this act are hereby made available for expenditure by the department during the fiscal year 1969–1970 for the construction of the groin at Capitola State Park, without regard to local compliance with requirements of federal law.

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 provide urgently needed protection to coastal property at the earliest possible time by construction of the groin at Capitola State Park, it is essential that this act take immediate effect.

CHAPTER 1460

An act to add Chapter 3.5 (commencing with Section 21500) to Part 1 of Division 9 of the Public Utilities Code, relating to aviation.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Chapter 3.5 (commencing with Section 21500) is added to Part 1 of Division 9 of the Public Utilities Code, to read:

CHAPTER 3.5. AIRCRAFT RESCUE TRANSMITTERS

21500. This chapter shall be known and may be cited as the Downed Aircraft Search and Location Act.

21501. The Legislature hereby finds and declares that it is in the interest of public safety to facilitate by the most expeditious means available the search for and location of aircraft which have crashed or been forced to land in remote or inaccessible areas. It is, therefore, the policy of this state that all civil aircraft, except for aircraft used for agricultural spraying or crop dusting, experimental aircraft operated for testing purposes, aircraft of primarily antique or historical value or interest, gliders, and lighter-than-air craft, located for tax purposes within the territorial limits of this state be equipped with an approved device capable of indicating by radio transmissions the position of the aircraft when grounded because of mechanical or other failure at a place other than at an airport.

21502. The department shall examine any available downed aircraft transmitting device for effectiveness and reliability and shall approve for use any of such units found to be effec-

tive and reliable within limits and standards established by the department.

21503. The device approved by the department must be of sufficient durability to withstand the impact of a crash, and automatically activate so as to transmit an effective signal on a preset emergency distress radio frequency to enable the location of the aircraft to be fixed.

21504. The department shall establish minimum standards for downed aircraft transmitting devices. The standards shall require that such devices be used on aircraft in commercial service after one year from the effective date of this chapter, and on all other aircraft, except as provided otherwise in Sections 21501 and 21505, after two years from the effective date of this chapter.

21505. Upon petition by the owner of any aircraft, the department may exempt the aircraft from the requirement of a downed aircraft rescue transmitter upon a showing to the satisfaction of the department that such a device would not significantly increase the safety of operations in the particular case.

21506. The provisions of this chapter shall not apply to air carrier aircraft operating pursuant to both a federal certificate of public convenience and necessity and a federal air carrier operating certificate.

CHAPTER 1461

An act to amend Section 23184 of the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. 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 Law provided for in Division 9 (commencing with Section 22000) of the Financial Code.

(b) Operating motor vehicles under Part 5 (commencing with Section 10701) of this division or Article 2 (commencing with Section 9250) of Chapter 6 of Division 3 of the Vehicle Code, except for Section 9265.

(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 offset allowed to any financial corporation for any income year as provided in this section may, at the election of that financial corporation, be offset, in whole or in part, against its franchise tax for that income year or offset in whole or in part against its franchise tax in one or more of the next four succeeding years of its selection, until such time as the total amount of such offset is so utilized; provided, however, that for such purposes, offsets elected to be utilized against the franchise tax of a succeeding year shall be applied in the order of their respective years of origin and prior to the application of the offset which might otherwise be allowable for amounts paid during that income year.

Notwithstanding anything to the contrary contained in this section, the tax on financial corporations after the allowance of all offsets provided for herein 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. 2. 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. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. However, the provisions of Section 1 shall be applied in the computation of taxes measured by net income of calendar or fiscal years ending after December 31, 1968.

CHAPTER 1462

An act to add Sections 14378, 14379, 14380, and 14404 to the Government Code, relating to public contracts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 14378 is added to the Government Code, to read:

14378. Every contract subject to this chapter or Chapter 14 (commencing with Section 25200) of Division 18 of Part 4 of the Education Code shall provide that monetary claims totaling in the aggregate twenty-five thousand dollars ($25,000) or less on any contract and filed in accordance with procedures set forth in such contract may, at the option of the contractor or the department, be subject to determination of rights under the contract in accordance with Section 14379.

SEC. 2. Section 14379 is added to the Government Code, to read:

14379. (a) Determination of rights pursuant to Section 14378 shall be by a hearing officer appointed for that purpose from the staff of the Office of Administrative Procedure.

(b) The party seeking a determination of rights shall give notice in writing of the claim setting forth the facts on which the claim is based to the other party and to the Office of Administrative Procedure. The Office of Administrative Procedure shall appoint a hearing officer to hear such claim. The hearing officer shall be appointed within 60 days after such notice, but not before completion of the contract, unless the department consents to earlier appointment, and the hearing officer shall hear and determine the controversy and render his decision in writing within 60 days after his appointment, unless otherwise agreed by the parties, provided, however, that for good cause, the hearing officer may extend such time. Each party shall bear its own costs and shall pay one-half of the costs of the hearing.

(c) The decision of the hearing officer shall be final if supported by law and by substantial evidence.

SEC. 3. Section 14380 is added to the Government Code, to read:

14380. The Office of Administrative Procedure shall adopt rules and regulations, pursuant to Chapter 4.5, Part 1, Division 3, Title 2 of the Government Code, to implement the claims procedure authorized by this article.

SEC. 4. Section 14404 is added to the Government Code, to read:

14404. A claim pursuant to Part 3, Division 3.6, Title 1 of the Government Code is not required, but legal action on any claim must be commenced within six months after final decision of the department or determination of rights by the hearing officer. The department shall have full authority to compromise or otherwise settle any claims arising from the contract at any time.

CHAPTER 1463

An act to add Section 31469.4 to the Government Code, relating to the County Employees Retirement Law.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 31469.4 is added to the Government Code, to read:

31469.4. "Safety member" means persons employed as juvenile hall group counselors and group supervisors who are primarily engaged in the control and custody of delinquent youths who must be detained under physical security in order not to be harmful to themselves or others.

The provisions of this section shall not be applicable in any county until the board of supervisors by resolution make the provisions applicable.

CHAPTER 1464

An act to add Chapter 2.5 (commencing with Section 17065) to Part 10 of Division 2 of the Revenue and Taxation Code, relating to special income tax credits, to take effect immediately, tax levy.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Chapter 2.5 (commencing with Section 17065) is added to Part 10 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 2.5. SPECIAL TAX CREDIT

17065. (a) A special tax credit of 10 percent of the amount of "net tax" (as defined in Section 17066) shall be allowed against the taxes imposed by this part with respect to taxable years beginning after December 31, 1968, and before January 1, 1970. If the taxpayer has more than one taxable year beginning after December 31, 1968, and before January 1, 1970, such taxpayer shall be allowed the special credit provided by this section only with respect to the taxable year which covers the most number of months.

In the case of a single person, or a married person filing a separate return, the special tax credit shall not exceed one hundred dollars ($100).

In the case of a head of a household, or a married couple filing a joint return, the special tax credit shall not exceed two hundred dollars ($200).

(b) The special tax credit provided by this section shall not apply to trusts or estates subject to tax under this part.

(c) In order to claim the special tax credit allowed under subdivision (a), the taxpayer must first pay the entire amount of the net tax liability (as defined in Section 17066), less the amount of the special tax credit provided by this chapter and any balance due thereon after taking into account any prepayment or prepayments made pursuant to the provisions of Section 18556 for taxable years beginning after December 31, 1968, and before January 1, 1970, on or before the due date of the return (as extended by Section 18433 or 18434), unless the taxpayer's failure to pay or file a timely return was due to reasonable cause and not due to willful neglect.

(d) The tax credit allowed by this section shall be claimed at the time a return is filed for taxable years beginning after December 31, 1968, and before January 1, 1970.

(e) If, after the special tax credit provided by subdivision (a) is claimed, the Franchise Tax Board determines that the taxpayer's net tax liability for taxable years beginning after December 31, 1968, and before January 1, 1970, is more or less than the amount shown on the return, a corresponding adjustment shall be made by the Franchise Tax Board for the special tax credit.

17066. (a) The term "net tax" means the tax imposed under either Section 17041 or 17048, minus the sum of any credits against the tax provided by Section 17054 (relating to credits for personal exemptions). However, for the purposes of this chapter, in determining the amount of tax imposed under either Section 17041 or 17048, taxable income shall be computed without regard to the amount by which net long-term capital gain exceeds net short-term capital loss. As used in this chapter, the term "net long-term capital gain" includes—

(1) The excess of long-term capital gains over long-term capital losses,

(2) The excess of gains over losses from transactions which are treated as sales or exchanges of capital assets and reportable as net long-term capital gain or loss under this part, and

(3) Net gains from the sales or exchanges of property used in the taxpayer's trade or business.

(b) Notwithstanding the provisions of subdivision (a), the amount of the taxpayer's adjusted gross income shall be determined as provided by Section 17072 for the purposes of computing—

(1) The amount of any deductions allowed by Articles 6 (commencing with Section 17201) and 7 (commencing with Section 17251) of Chapter 3 of this part,

(2) The amount of credit allowed by Chapter 12 (commencing with Section 18001) of this part for taxes paid to another state, and

(3) The proportionate amount of the minimum standard deduction and the credits for personal exemption pursuant to Section 17055 (relating to certain nonresidents).

(c) For the purposes of Chapter 2.5 only, the term "net tax liability" means the tax imposed under either Section 17041 or 17048, minus the sum of any credits against the tax provided by Section 17053 (relating to retirement income credit), Section 17054 (relating to credits for personal exemptions), and Chapter 12 (commencing with Section 18001) of this part (relating to taxes paid other states).

17067. For the purposes of Chapter 12 (commencing with Section 18001) of this part, credits for taxes paid to other states shall be allowed against the amount of "net tax" (as defined in Section 17066) minus the special credit provided by this chapter.

17068. For the purposes of Section 18414 (relating to the filing of a declaration of estimated tax) and Section 18556 (relating to the payment of estimated tax), the requirement for filing a declaration of estimated tax and the amount of estimated tax to be paid shall be determined without regard to the special tax credit provided in Section 17065.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1465

An act to amend Section 10751 of, and to add Section 22504.5 to, the Education Code, relating to pupil records.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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 providing instruction in any of grades kindergarten through 12 shall permit access to any written records 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) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a 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) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

The restrictions imposed by this section 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 by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, 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. Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien.

SEC. 2. Section 22504.5 is added to the Education Code, to read:

22504.5. No teacher, official, employee, or governing board member of any public or private junior college, college, or university shall permit access to any written records 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) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a 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 section are not intended to interfere with the preparation and distribution of junior college, college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of junior college, college and university students to proprietors of off-campus housing. Such restrictions 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 by name in the information submitted for research. Notwithstanding the restrictions imposed by this section 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.

SEC. 3. 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 providing instruction in any of grades kindergarten through 12 shall permit access to any written records 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) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a 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) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.

(e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.

The restrictions imposed by this section 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 by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, 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.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials.

SEC. 4. It is the intent of the Legislature, if amendments to Section 10751 of the Education Code proposed by both this bill and Assembly Bill 2214 are enacted, that both amendments be given effect and incorporated in Section 10751 in the form set forth in Section 3 of this act. Therefore, in the event that Assembly Bill 2214 is enacted and amends Section 10751, Section 3 of this act shall become operative at the same time that Section 10751 as amended by Assembly Bill 2214 becomes operative, and at that time, Section 10751 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 1466

An act to amend Sections 23320 and 23821 of, and to add Sections 23321.7, 23954.7, and 23962 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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
(35)	On-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement	360.00 per year

SEC. 2. Section 23321.7 is added to the Business and Professions Code, to read:

23321.7. The on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement may be issued for any vessel of more than 15,000 tons displacement with cabin berth capacity for at least 75 passengers, respecting which vessel a duplicate license has also been issued under Section 23321.6. Each license issuable under this section shall be used only in the county where issued, but a vessel qualified under this section may be issued such a license in more than one county. Notwithstanding the provisions of Section 23397, the licensee under each such license shall be authorized to sell alcoholic beverages to the general public aboard the vessel respecting which the license is issued when the vessel is securely lashed on berth in the county for which the license is issued, provided that such sales are incidental to the passenger operations of such vessel and such beverages are purchased from persons licensed to sell alcoholic beverages for resale in this state. In no event shall the rights under any such license be exercised in any county during more than 45 calendar days in any calendar year. Notwithstanding the provisions of Article 2 (commencing with Section 23815) of Chapter 5 of this division, there shall be no limitation, other than provided in this section, on the number of licenses that may be issued under this section to applicants who meet its requirements. Except as otherwise specifically provided in this section, all provisions of this division shall apply to any license issued under this section in the same manner as such provisions apply to an on-sale general license issued for a bona fide public eating place, provided that no caterer's permit may be issued pursuant to Section 23399 with respect to any license issued hereunder, and provided further that any duplicate license issued pursuant to Section 24042 respecting such vessel shall bear the same fee specified by subdivision (35) of Section 23320.

SEC. 3. 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 in-

creased 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 or on-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 or on-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 or on-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. 4. Section 23954.7 is added to the Business and Professions Code, to read:

23954.7. An applicant for an original on-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement shall, at the time of filing the application for the license, accompany the application with a fee of two thousand dollars ($2,000), but such fee shall not be payable upon the renewal or transfer of such license.

SEC. 5. Section 23962 is added to the Business and Professions Code, to read:

23962. Notwithstanding the provisions of subdivision (b) of Section 23961, if at the conclusion of the period prescribed by the department for the filing of applications for issuance or transfer of on-sale general licenses in any county in its notice of intention to receive applications therefor published pursuant to Sections 23821 and 24070, the department finds there are less applicants than there are on-sale general licenses available for issuance or transfer under Sections 23821 and 24070, the department may, within 90 days of the conclusion of the period, publish pursuant to Section 6061 of the Government Code in the county where such new original on-sale general licenses may be issued or into which on-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 such licenses, setting forth the date, time, manner, and place of acceptance of such applications within the county.

If at the conclusion of the period prescribed by the department pursuant to this section, the department finds there are more applicants for such licenses than there are licenses available for issuance or transfer under Sections 23821 and 24070, the provisions of subdivision (a) of Section 23961 requiring priority drawings shall apply.

No person who has applied in any county for a new original on-sale general license or for intercounty transfer of an on-sale general license during the period prescribed by the department in its notice of intention to receive applications therefor published pursuant to Sections 23821 and 24070, shall be permitted to file application for such new original license or for the intercounty transfer of such license in that county during the period prescribed for receiving applications pursuant to this section.

SEC. 6. 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	350.00 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
(35)	On-sale general bona fide public eating place intermittent dockside license for vessels of more than 15,000 tons displacement	360.00 per year

SEC. 7. It is the intent of the Legislature, if amendments to Section 23320 of the Business and Professions Code proposed by both this bill and Senate Bill No. 923 are enacted, that both amendments be given effect and incorporated in Section 23320 in the form set forth in Section 6 of this act. Therefore, in the event Senate Bill No. 923 is enacted and amends Section 23320, Section 6 of this act shall become operative at the same time that Section 23320 as amended by Senate Bill No 923 becomes operative, and at that time, Section 23320 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 1467

An act to amend Section 23320 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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	350.00 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

CHAPTER 1468

An act to amend Section 1193 of the Code of Civil Procedure, and to amend Section 3097 of the Civil Code as added by Senate Bill No. 316 of the 1969 Regular Session, relating to mechanics' liens.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. 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 furnish 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.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural services furnished, or to be furnished.

(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, at the address shown by the building permit on file with the authority issuing a building permit for the work, or at an address recorded pursuant to subdivision (k) of this section. 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 jobsite 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 equipment 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

(k) A mortgage, deed of trust, or other instrument securing a loan, any of the proceeds of which may be used for the purpose of constructing improvements on real property, shall bear the designation "Construction Trust Deed" prominently on its face and shall state all of the following: (1) the name and address of the lender, and the name and address of the owner of the real property described in the instrument, and (2) a legal description of the real property which secures the loan and, if known, the street address of the property. The failure to be so designated or to state any of the information required by this subdivision shall not affect the validity of any such mortgage, deed of trust, or other instrument.

Failure to provide such information on such an instrument when recorded shall not relieve persons required to give preliminary notice under this section from such duty.

The county recorder of the county in which such instrument is recorded shall indicate in the general index of the official records of the county that such instrument secures a construction loan.

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 furnish 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.

A certificated architect, registered engineer, or licensed land surveyor who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) of this section with respect to architectural, engineering, or surveying services furnished, or to be furnished.

(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, at the address shown by the building permit on file with the authority issuing a building permit for the work, or at an address recorded pursuant to subdivision (k) of this section. 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 jobsite 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 equipment 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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.

(j) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation if any, and address of the construction lender and shall keep such information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to such construction lender the notice required by this section.

(k) A mortgage, deed of trust, or other instrument securing a loan, any of the proceeds of which may be used for the purpose of constructing improvements on real property, shall bear the designation "Construction Trust Deed" prominently on its face and shall state all of the following: (1) the name and address of the lender, and the name and address of the owner of the real property described in the instrument, and (2) a legal description of the real property which secures the loan and, if known, the street address of the property. The failure to be so designated or to state any of the information required by this subdivision shall not affect the validity of any such mortgage, deed of trust, or other instrument.

Failure to provide such information on such an instrument when recorded shall not relieve persons required to give preliminary notice under this section from such duty.

The county recorder of the county in which such instrument is recorded shall indicate in the general index of the official records of the county that such instrument secures a construction loan.

SEC. 3. Section 3097 of the Civil Code, as added by Senate Bill No. 316 of the 1969 Regular Session of the Legislature, is amended to read:

3097. "Preliminary 20-day notice (private work)" means a written notice from a claimant that is given prior to the recording of a mechanic's lien and prior to the filing of a stop notice, and is required to be given under the following circumstances:

(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 title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) shall be given not later than 20 days after the claimant has first furnished labor, service, 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, service, 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, service, equipment, or material furnished, or to be furnished, the improved property may be subject to mechanic's 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.

A certificated architect who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) with respect to architectural services furnished, or to be furnished.

(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. Such person shall, however, 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, at the address shown by the building permit on file with the authority issuing a building per-

mit for the work, or at an address recorded pursuant to subdivision (j) of this section. 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 jobsite, 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 equipment 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 contractor.

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 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation, if any, and address of the construction lender and shall keep the information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to the construction lender the notice required by this section.

(j) A mortgage, deed of trust, or other instrument securing a loan, any of the proceeds of which may be used for the purpose of constructing improvements on real property, shall bear the designation "Construction Trust Deed" prominently on its face and shall state all of the following: (1) the name and address of the lender, and the name and address of the owner of the real property described in the instrument, and (2) a legal description of the real property which secures the loan and, if known, the street address of the property. The failure to be so designated or to state any of the information required by this subdivision shall not affect the validity of any such mortgage, deed of trust, or other instrument.

Failure to provide such information on such an instrument when recorded shall not relieve persons required to give preliminary notice under this section from such duty.

The county recorder of the county in which such instrument is recorded shall indicate in the general index of the official records of the county that such instrument secures a construction loan.

SEC. 4. Section 3097 of the Civil Code, as added by Senate Bill No. 316 of the 1969 Regular Session of the Legislature, is amended to read:

3097. "Preliminary 20-day notice (private work)" means a written notice from a claimant that is given prior to the recording of a mechanic's lien and prior to the filing of a stop notice, and is required to be given under the following circumstances:

(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 title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 furnish labor, service, equipment, or material for which a lien otherwise can be claimed under this title, or for which a notice to withhold can otherwise be given under this title, must, as a necessary prerequisite to the validity of any claim of lien, and of a 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 this section.

(c) The preliminary notice referred to in subdivisions (a) and (b) shall be given not later than 20 days after the claimant has first furnished labor, service, 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, service, equipment, or materials.

(3) The name of the person who contracted for purchase of such labor, service, 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, service, equipment, or material furnished, or to be furnished, the improved property may be subject to mechanic's 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.

A certificated architect, registered engineer, or licensed land surveyor who has furnished services for the design of the work of improvement and who gives a preliminary notice as provided in this section not later than 20 days after the work of improvement has commenced shall be deemed to have complied with subdivisions (a) and (b) with respect to architectural, engineering, or surveying services furnished, or to be furnished.

(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. Such person shall, however, 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, at the address shown by the building permit on file with the authority issuing a building permit for the work, or at an address recorded pursuant to subdivision (j) of this section. 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 jobsite, 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 equipment 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 contractor.

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 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 contract price to be paid to any subcontractor on a particular work of improvement exceeds four hundred dollars ($400), the failure of that 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) Every city, county, city and county, or other governmental authority issuing building permits shall, in its application form for a building permit, provide space and a designation for the applicant to enter the name, branch designation, if any, and address of the construction lender and shall keep the information on file open for public inspection during the regular business hours of the authority.

If there is no known construction lender, that fact shall be noted in such designated space. Any failure to indicate the name and address of the construction lender on such application, however, shall not relieve any person from the obligation to give to the construction lender the notice required by this section.

(j) A mortgage, deed of trust, or other instrument securing a loan, any of the proceeds of which may be used for the purpose of constructing improvements on real property, shall bear the designation "Construction Trust Deed" prominently on its face and shall state all of the following: (1) the name

and address of the lender, and the name and address of the owner of the real property described in the instrument, and (2) a legal description of the real property which secures the loan and, if known, the street address of the property. The failure to be so designated or to state any of the information required by this subdivision shall not affect the validity of any such mortgage, deed of trust, or other instrument.

Failure to provide such information on such an instrument when recorded shall not relieve persons required to give preliminary notice under this section from such duty.

The county recorder of the county in which such instrument is recorded shall indicate in the general index of the official records of the county that such instrument secures a construction loan.

SEC. 5. It is the intent of the Legislature, if amendments to Section 1193 of the Code of Civil Procedure proposed by both this bill and S.B. 730 are enacted, that both amendments be given effect and incorporated in Section 1193 in the form set forth in Section 2 of this act. Therefore, in the event S B. 730 is enacted and amends Section 1193, Section 2 of this act shall become operative at the same time that Section 1193 as amended by S B 730 becomes operative, and at that time, Section 1193 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

SEC. 6. Section 3 of this act shall become operative only if S.B. 316 of the 1969 Regular Session is enacted and adds Section 3097 to the Civil Code, and in such case, shall become operative at the same time as S.B. 316 becomes operative, at which time Section 1193 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

SEC. 7. Section 4 of this act shall become operative only if S.B. 316 of the 1969 Regular Session is enacted and adds Section 3097 to the Civil Code and S.B. 730 of the 1969 Regular Session is enacted and amends Section 1193 of the Code of Civil Procedure, and, in such case, shall become operative at the same time as S.B. 316 and S.B. 730 become operative, at which time Section 1193 of the Code of Civil Procedure as amended by Section 1 of this act is repealed.

CHAPTER 1469

An act to amend and renumber Sections 25302 and 25302.5 of, to amend Section 25500 of, and to repeal Section 25301 of, the Elections Code, relating to declarations of intention.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 25301 of the Elections Code is repealed.

SEC. 2. Section 25302 of the Elections Code is amended and renumbered to read:

25301. Except in the case of a judicial office filled in accordance with subdivision (d) of Section 16 of Article VI of the Constitution, every candidate for a judicial office, whether his declaration of candidacy is made personally, or by sponsors, not more than 15 nor less than 5 days prior to the first day on which his nomination papers may be circulated and signed or may be presented for filing, shall file in the office of the county clerk in which his nomination papers are required to be filed or left for examination, a written and signed declaration in duplicate of his intention to become a candidate for that office on a form to be supplied by the county clerk. A candidate for a numerically designated judicial office shall state in his declaration for which office he intends to become a candidate. A copy of each declaration of intention filed in accordance with this article, except those for municipal and justice court offices, shall be immediately forwarded by the county clerk to the Secretary of State. This section shall apply to all judicial offices whether numerically designated or not.

SEC. 3. Section 25302.5 of the Elections Code is amended and renumbered to read:

25302. A declaration of candidacy for election or a nomination by the Governor, made pursuant to subdivision (d) of Section 16 of Article VI of the Constitution, shall be filed with the officer charged with the duty of certifying nominations for publication in the official ballot.

SEC. 4. Section 25500 of the Elections Code is amended to read:

25500. (a) Each candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election, whether his declaration of candidacy is to be made personally or by sponsors, shall file in the office of the county clerk in which his nomination papers are required to be left for examination a written and signed declaration of his intention to become a candidate for his party's nomination for that office. The declaration of intention shall be filed in duplicate, on forms to be supplied by the county clerk, not more than 15 nor less than 5 days prior to the first day on which his nomination papers may be presented for filing. The county clerk shall within five days forward the original of each declaration of intention filed in accordance with this section to the Secretary of State. An incumbent State Senator or Member of the Assembly may alternatively file his declaration of his intention in the office of Secretary of State, who shall within five days provide a copy of each such filing to the county clerk concerned. The declaration of intention provided for in this section shall be in substantially the following form:

I hereby declare my intention to become a candidate for the _____ Party's nomination for the office of
(Name of political party)
_____, at the direct primary election.
(Name of office and district)

_____
(Signature of candidate)

_____
(Address of candidate)

(b) No person may be a candidate nor have his name printed upon any ballot as a candidate for a party nomination for the office of State Senator or Member of the Assembly at the direct primary election unless he has filed the declaration of intention provided for in this section; provided, however, that if the incumbent of the office, for any reason, fails to qualify for nomination for the office by the last day prescribed for the filing of nomination papers, an additional five days shall be allowed for the filing of nomination papers for the office, and any person, if otherwise qualified, may file nomination papers for the office during the extended period, notwithstanding that he has not filed a written and signed declaration of intention to become a candidate for the office as provided in subdivision (a) of this section.

SEC. 5. Section 4 of this act shall become inoperative upon the enactment of Assembly Bill No. 1787.

CHAPTER 1470

An act to repeal Chapter 4 (commencing with Section 25500) of Division 13 of the Elections Code, relating to declarations of intent.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Chapter 4 (commencing with Section 25500) of Division 13 of the Elections Code is repealed.

CHAPTER 1471

An act to amend Sections 38100, 38200, 38201, 38202, and 38300 of, and to repeal Article 6 (commencing with Section 38310) of Chapter 1 of Division 25 of, the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, relating to mentally retarded.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 38100 of the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, is amended to read:

38100. The board shall advise the Secretary of the Human Relations Agency on the initiation, coordination, and implementation of programs and projects for the mentally retarded, including, but not limited to, the following:

(a) Present and proposed programs of service for the mentally retarded of state, local governmental, and voluntary agencies.

(b) The development of a coordinated plan of state and local services for the mentally retarded, and the development and formulation of a master plan for establishing responsibilities for the total array of mental retardation services.

(c) Standards for services in various facilities that are now being operated or which will hereafter be created.

(d) Standards and rates of state payment for any services purchased with state funds for mentally retarded persons through the regional diagnostic, counseling service centers as may be defined in Article 7.5 (commencing with Section 415) of Chapter 2, Part 1, Division 1 of this code.

(e) The development of uniform recordkeeping in all services for the mentally retarded.

(f) The coordination of services and research activities in the field of mental retardation, including the evaluation of services and programs, studies of the prevalence of mental retardation, and the development of experimental programs.

(g) The stimulation of planning for professional training in the state universities and colleges.

SEC. 2. Section 38200 of the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, is amended to read:

38200. The Secretary of the Human Relations Agency shall adopt rules and regulations prescribing standards of service which shall be satisfied and maintained as a condition to the payment of state funds for residential care of the mentally retarded by a regional diagnostic, counseling service center.

The Secretary of the Human Relations Agency shall adopt standards for all nonresidential professional services which may be purchased for mentally retarded persons with state funds by a regional, diagnostic, counseling service center for the mentally retarded.

The Secretary of the Human Relations Agency shall provide regional centers with current lists of approved facilities and services. Regional centers may not expend state funds for services which are not approved by the secretary, notwithstanding any other certification, licensing, or approval of the facility or service.

The secretary shall not adopt standards which are in conflict with those adopted by the State Board of Education with

regard to special classes for the mentally retarded in the public schools.

SEC. 3. Section 38201 of the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, is amended to read:

38201. If there is evidence that a vendor of services does not meet the standards prescribed by the Secretary of the Human Relations Agency, the regional centers may immediately withdraw payment of state funds to such vendor.

SEC. 4. Section 38202 of the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, is amended to read:

38202. The Secretary of the Human Relations Agency shall establish rates of state payment for services purchased by regional centers for mentally retarded persons.

Rates of state payment shall be based on the value of units of service rendered.

SEC. 5. Section 38300 of the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, is amended to read:

38300. To carry out his responsibilities for mental retardation under this division and other pertinent statutes, the Secretary of the Human Relations Agency shall designate a Coordinator of Mental Retardation Programs and such staff as is required.

SEC. 6. Article 6 (commencing with Section 38310) of Chapter 1 of Division 25 of the Health and Safety Code, as enacted by Assembly Bill No. 387 of the 1969 Regular Session of the Legislature, is repealed.

SEC. 7. Sections 1 to 6, inclusive, of this act shall become operative only if Assembly Bill No. 387 is enacted, and in such case at the same time as Assembly Bill No. 387 takes effect.

CHAPTER 1472

An act to add Article 4 (commencing with Section 6995.1) to Chapter 10.5 of Division 6 of the Education Code, to add Section 12803.7 to the Government Code, and to amend the heading of Article 1 (commencing with Section 5150) of, and to add Article 1.5 (commencing with Section 5170) to, Chapter 2 of Part 1 of Division 5 of, Chapter 9 (commencing with Section 19850) to Part 2 of Division 10 as proposed to be added by Senate Bill No. 840 to, the Welfare and Institutions Code, relating to alcoholics.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Article 4 (commencing with Section 6995.1) is added to Chapter 10 5 of Division 6 of the Education Code, to read:

Article 4. Chronic Alcoholics

6995.1. Each county may establish a comprehensive treatment and rehabilitation program for chronic alcoholics. Each program may include, but is not limited to, inpatient extended care facilities, outpatient aftercare facilities, supportive residential facilities, vocational and family counseling services, and rehabilitation services. It is the intent of the Legislature that such a program will make available strong educational and proselytizing techniques so that the individual is attracted to the services offered, and will utilize public and private resources.

6995.2. Treatment and rehabilitation programs may be planned, administered, and supervised by the county agency determined by the county board of supervisors.

6995.3. Subject to the approval of the Secretary of the Human Relations Agency, the Department of Rehabilitation shall prepare rules, standards, and procedures, necessary and proper for the planning and effective operation of treatment and rehabilitation programs. In preparing such rules, standards, and procedures, the Department of Rehabilitation shall consult with the State Department of Mental Hygiene and the State Department of Public Health and State Board of Public Health. Such rules, standards, and procedures shall, to the extent feasible, be consistent and coordinated with any adopted pursuant to the McAteer Alcoholism Act.

6995 4. If a county determines that it will establish a comprehensive treatment and rehabilitation program for chronic alcoholics, the county shall prepare a county plan for such a treatment and rehabilitation program in strict conformance with the rules, standards, and procedures provided for in Section 6995.3. Such plans shall be submitted to the Department of Rehabilitation. The Department of Rehabilitation shall review all county plans, determine whether they comply with the rules, standards, and procedures promulgated pursuant to this section, and grant or deny approval of such plans on the basis of that determination The Department of Rehabilitation, the State Department of Mental Hygiene, and the State Department of Public Health shall consult with and render assistance to any county which requests information or advice concerning the planning and operation of its local plan.

The State Department of Public Health has the primary responsibility of consulting with and assisting any county making such request with respect to any medical services provided by the local plan.

6997. Any person may voluntarily place himself in the care of the applicable county agency, as determined by the

county board of supervisors pursuant to Section 6995.2, to receive treatment for chronic alcoholism in a treatment and rehabilitation program established under Section 6995.1. Such county agency shall refuse admission only to those volunteers who do not reasonably appear to be in need of care, or those volunteers whose admission would prejudice the treatment of any person or persons entrusted to its care under any other provisions of this article, or if the program is not able, because of lack of resources, to accommodate such volunteers.

6997.1. Any person who is convicted under the provisions of subdivision (f) of Section 647 of the Penal Code with respect to intoxicating liquor may be granted probation if such person joins and makes use of the treatment and rehabilitation program established under Section 6995.1.

SEC. 1.5. Section 12803.7 is added to the Government Code, to read:

12803.7. The Human Relations Agency shall be the single state agency authorized to receive any federal funds payable directly to the state to implement programs for the prevention, treatment and rehabilitation of chronic alcoholics. The designation of the Human Relations Agency as the single state agency shall not be construed as an impediment to local governments receiving federal funds directly in those instances where such funds are directly payable to local government.

SEC. 1.6. The heading of Article 1 (commencing with Section 5150) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code is amended to read:

Article 1. Detention of Mentally Disordered Persons for Evaluation and Treatment

SEC. 2. Article 1.5 (commencing with Section 5170) is added to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, to read:

Article 1.5. Detention of Inebriates for Evaluation and Treatment

5170. When any person is a danger to others, or to himself, or greatly disabled as a result of inebriation, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation of inebriates

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or other designated person, and stating that the officer, member of the attending staff, or other designated person be-

lieves as a result of his personal observations that the person is, as a result of inebriation, a danger to others, or to himself, or gravely disabled.

5171. If the facility for 72-hour treatment and evaluation of inebriates admits the person, it may detain him for evaluation and detoxification treatment, and such other treatment as may be indicated, for a period not to exceed 72 hours, excluding Saturdays, Sundays, and holidays if evaluation and treatment services are not available on those days.

If in the judgment of the professional person in charge of the facility providing evaluation and treatment, the person can be properly served without being detained, he shall be provided evaluation, detoxification treatment or other treatment, crisis intervention, or other inpatient or outpatient services on a voluntary basis.

5172. Each person admitted to a facility for 72-hour treatment and evaluation under the provisions of this article shall receive an evaluation as soon after he is admitted as possible and shall receive such treatment and care as his condition requires for the full period that he is held. Such person shall be released before 72 hours have elapsed if, in the opinion of the professional person in charge of the facility, the person no longer requires evaluation or treatment.

Persons who have been detained for evaluation and treatment shall be released, and may be referred for further care and treatment on a voluntary basis. If such a person could also have been detained under Article 1 (commencing with Section 5150) of this chapter, he may be deemed to have been detained under that article, and certified for intensive treatment or recommended for conservatorship pursuant to this part as required.

5173. The professional person in charge of the facility providing 72-hour treatment and evaluation, and the peace officer responsible for the detainment of the person shall not be held civilly or criminally liable for any action by a person released at or before the end of 72 hours pursuant to this article.

5174. It is the intent of the Legislature that facilities for 72-hour treatment and evaluation of inebriates be subject to state funding under Part 2 (commencing with Section 5600) of this division only if they primarily provide medical services and would normally be considered an integral part of a community health program. Services provided under this act shall not be included in Priority 1 funding under the Short-Doyle program. While facilities previously receiving funds from other sources may be designated as facilities for 72-hour treatment and evaluation of inebriates, it is intended that they continue such previous funding. McAteer funds or facilities shall not be utilized for the purposes of the 72-hour involuntary holding program as outlined in this chapter.

To this end, no facility for 72-hour treatment and evaluation of inebriates shall be eligible for funding under Part 2 (com-

mencing with Section 5600) of this division until approved by the Director of Mental Hygiene.

5175. Nothing in this article shall be construed to prevent a facility designated as a facility for 72-hour evaluation and treatment of inebriates from also being designated as a facility for 72-hour evaluation and treatment of other persons subject to this part, including persons impaired by chronic alcoholism.

5176. This article shall apply only to those counties wherein the board of supervisors has adopted a resolution stating that suitable facilities exist within the county for the care and treatment of inebriates, designating the facilities to be used as facilities for 72-hour treatment and evaluation of inebriates, and otherwise adopting the provisions of this article.

SEC. 3. Chapter 9 (commencing with Section 19850) is added to Part 2 of Division 10 as proposed to be added by Senate Bill No. 840, to read:

CHAPTER 9. CHRONIC ALCOHOLICS

19850. Each county may establish a comprehensive treatment and rehabilitation program for chronic alcoholics. Each program may include, but is not limited to, inpatient extended care facilities, outpatient aftercare facilities, supportive residential facilities, vocational and family counseling services, and rehabilitation services. It is the intent of the Legislature that such a program will make available strong educational and proselytizing techniques so that the individual is attracted to the services offered, and will utilize public and private resources.

19851. Treatment and rehabilitation programs may be planned, administered, and supervised by the county agency determined by the county board of supervisors.

19852. Subject to the approval of the Secretary of the Human Relations Agency, the Department of Rehabilitation shall prepare rules, standards, and procedures, necessary and proper for the planning and effective operation of treatment and rehabilitation programs. In preparing such rules, standards, and procedures, the Department of Rehabilitation shall consult with the State Department of Mental Hygiene and the State Department of Public Health and State Board of Public Health. Such rules, standards, and procedures shall, to the extent feasible, be consistent and coordinated with any adopted pursuant to the McAteer Alcoholism Act.

19853. If a county determines that it will establish a comprehensive treatment and rehabilitation program for chronic alcoholics, the county shall prepare a county plan for such a treatment and rehabilitation program in strict conformance with the rules, standards, and procedures provided for in Section 19852. Such plans shall be submitted to the Department of Rehabilitation. The Department of Rehabilitation shall review all county plans, determine whether they comply with the rules, standards, and procedures promulgated pursuant to

this section, and grant or deny approval of such plans on the basis of that determination. The Department of Rehabilitation, the State Department of Mental Hygiene, and the State Department of Public Health shall consult with and render assistance to any county which requests information or advice concerning the planning and operation of its local plan.

The State Department of Public Health has the primary responsibility of consulting with and assisting any county making such request with respect to any medical services provided by the local plan.

19854. Any person may voluntarily place himself in the care of the applicable county agency, as determined by the county board of supervisors pursuant to Section 19851, to receive treatment for chronic alcoholism in a treatment and rehabilitation program established under Section 19850. Such county agency shall refuse admission only to those volunteers who do not reasonably appear to be in need of care, or those volunteers whose admission would prejudice the treatment of any person or persons entrusted to its care under any other provisions of this article, or if the program is not able, because of lack of resources, to accommodate such volunteers.

19855. Any person who is convicted under the provisions of subdivision (f) of Section 647 of the Penal Code with respect to intoxicating liquor may be granted probation if such person joins and makes use of the treatment and rehabilitation program established under Section 19850.

SEC. 4. Section 3 of this act shall become operative only if Senate Bill 840 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Senate Bill 840 takes effect at which time Section 1 of this act is repealed.

CHAPTER 1473

An act to amend Sections 51201 and 51220 of, to add Sections 51205 and 51254 to, and to repeal the heading of Article 3.5 (commencing with Section 51255) of Chapter 7 of Part 1 of Division 1 of Title 5 of, the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 4, 1969]

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 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 which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars ($200) per acre.

(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, open space as defined in subdivision (n), 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.

(e) "Compatible use" is any use determined by the county or city administering the preserve pursuant to Section 51231 or Section 51238 or by this act to be compatible with the agricultural or open-space use of land within the preserve and subject to contract.

(f) "Board" means the board of supervisors of a county which establishes or proposes to establish an agricultural preserve or which enters or proposes to enter into a contract on land within an agricultural preserve pursuant to this chapter.

(g) "Council" means the city council of a city which establishes or proposes to establish an agricultural preserve or which enters or proposes to enter into a contract on land within an agricultural preserve pursuant to this chapter.

(h) Except where it is otherwise apparent from the context, "county" or "city" means the county or city having jurisdiction over the land.

(i) A "scenic highway corridor" is an area adjacent to, and within view of, the right-of-way of:

(1) An existing or proposed state scenic highway in the state scenic highway system established by the Legislature pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which has been officially designated by the Director of

the Department of Public Works as an official state scenic highway; or

(2) A county scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, if each of the following conditions have been met:

(A) The scenic highway is included in an adopted general plan of the county or city; and

(B) The scenic highway corridor is included in an adopted specific plan of the county or city; and

(C) Specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the county or city highway has been officially designated by the Director of the Department of Public Works as an official county scenic highway.

(j) A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

(k) A "saltpond" is an area which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, has been used for the solar evaporation of sea water in the course of salt production for commercial purposes.

(*l*) A "managed wetland area" is an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.

(m) A "submerged area" is any land determined by the board or council to be submerged or subject to tidal action and found by the board or council to be of great value to the state as open space.

(n) "Open space use" is the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the solar evaporation of sea water in the course of salt production for commercial purposes, if such land is within:

(1) A scenic highway corridor, as defined in subdivision (i).

(2) A wildlife habitat area, as defined in subdivision (j).

(3) A saltpond, as defined in subdivision (k).

(4) A managed wetland area, as defined in subdivision (*l*).

(5) A submerged area, as defined in subdivision (m).

SEC. 2. 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, open space as defined in subdivision (*l*), 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. When a county proposes to establish an agricultural preserve it shall give written notice at least two weeks before the hearing to the local agency formation commission and to every city within one mile of the exterior boundaries of the preserve. 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 sup-

plementing 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.

(g) A "scenic highway corridor" is an area adjacent to and within view of, the right-of-way of:

(1) An existing or proposed state scenic highway in the state scenic highway system established by the Legislature pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which has been officially designated by the Director of the Department of Public Works as an official state scenic highway; or

(2) A county scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code, if each of the following conditions have been met:

(A) The scenic highway is included in an adopted general plan of the county or city; and

(B) The scenic highway corridor is included in an adopted specific plan of the county or city; and

(C) Specific proposals for implementing the plan, including regulation of land use, have been approved by the Advisory Committee on a Master Plan for Scenic Highways, and the county or city highway has been officially designated by the Director of the Department of Public Works as an official county scenic highway.

(h) A "wildlife habitat area" is a land or water area designated by a board or council, after consulting with and considering the recommendation of the Department of Fish and Game, as an area of great importance for the protection or enhancement of the wildlife resources of the state.

(i) A "saltpond" is an area which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, has been used for the solar evaporation of sea water in the course of salt production for commercial purposes.

(j) A "managed wetland area" is an area, which may be an area diked off from the ocean or any bay, river or stream to which water is occasionally admitted, and which, for at least three consecutive years immediately prior to being placed within an agricultural preserve pursuant to this chapter, was used and maintained as a waterfowl hunting preserve or game refuge or for agricultural purposes.

(k) A "submerged area" is any land determined by the board or council to be submerged or subject to tidal action and found by the board or council to be of great value to the state as open space.

(*l*) "Open space use" is the use or maintenance of land in such a manner as to preserve its natural characteristics, beauty, or openness for the benefit and enjoyment of the public, to provide essential habitat for wildlife, or for the solar evaporation of sea water in the course of salt production for commercial purposes, if such land is within:

(1) A scenic highway corridor, as defined in subdivision (g).

(2) A wildlife habitat area, as defined in subdivision (h).

(3) A saltpond, as defined in subdivision (i).

(4) A managed wetland area, as defined in subdivision (j).

(5) A submerged area, as defined in subdivision (k).

SEC. 3. Section 51205 is added to the Government Code, to read:

51205. Notwithstanding any provisions of this chapter to the contrary, land within a scenic highway corridor, a wildlife habitat area, a saltpond, a managed wetland area, or a submerged area may be included within an agricultural preserve pursuant to this chapter. When such land is included within an agricultural preserve, the city or county within which it is situated may contract with the owner for the purpose of restricting the land to open space use and uses compatible therewith in the same manner as provided in this chapter for land devoted to agricultural use. For purposes of this section, where the term "agricultural land" is used in this chapter, it shall be deemed to include land within a scenic highway corridor, a wildlife habitat area, a saltpond, a managed wetland area, or a submerged area, and where the term "agricultural use" is used in this chapter, it shall be deemed to include open space use.

SEC. 4. Section 51220 of the Government Code is amended to read:

51220. The Legislature finds:

(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.

(b) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontiguous urban development patterns which unnecessarily increase the costs of community services to community residents.

(c) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.

(d) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

(e) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in agricultural land.

SEC. 5. Section 51254 is added to the Government Code, to read:

51254. On or before the first day of September of each year, the county assessor shall certify to the Director of Agriculture and to the State Board of Equalization the total number of acres of prime agricultural land, as defined in Section 51201, located within each school district or portion of a school district within the county, if such land was subject to a contract or agreement executed pursuant to this chapter on the lien date immediately preceding the date of such certification.

SEC. 6. The heading of Article 3.5 (commencing with Section 51255) of Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code is repealed.

SEC. 7. If the amendments to Section 51201 of the Government Code proposed by both this act and Assembly Bill No. 1178 are enacted, it is the intent of the Legislature that both amendments be given effect as incorporated in Section 51201 in the form set forth in Section 1 of this act. Therefore, in the event that Assembly Bill 1178 is enacted and amends Section 51201, Section 1 of this act shall become operative at

the same time Section 51201, as amended by Assembly Bill No. 1178, becomes operative, and at that time, Section 51201 of the Government Code, as amended by Section 2 of this act, is repealed. In the event Assembly Bill No. 1178 is not enacted or, if enacted, does not amend Section 51201 of the Government Code, Section 1 of this act is repealed and Section 2 of this act shall become operative on the effective date of this act.

SEC. 8. Section 6 of this act shall only become operative if Assembly Bill No. 1178 is enacted into law at the 1969 Regular Session of the Legislature; in which case, Section 6 of this act shall become operative at the same time as Assembly Bill No. 1178 takes effect.

CHAPTER 1474

An act granting and conveying free of trust certain lands now in the possession and control of the City and County of San Francisco, acting through the Harbor Commission of the City and County of San Francisco, declaring such lands free of the public trust for purposes of navigation, commerce, and fisheries, and declaring such lands free from any possibility of reverter upon breach of condition.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. In accordance with Section 18 of the Burton Act (Chapter 1333 of the Statutes of 1968), this act amends and modifies in part the transfer of lands in trust to the City and County of San Francisco provided for in the Burton Act.

SEC. 2. The state hereby grants and conveys free of the public trust for purposes of navigation, commerce, and fisheries, to the City and County of San Francisco all of its right, title, and interest in and to the lands described as follows, reserving to the State of California all oil, gas, oil shale, coal, phosphate, sodium, gold, silver, and all other mineral deposits contained in the land conveyed, and further reserving to the State of California and persons authorized by the state, the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals from the land conveyed, subject to the provision that the right to drill for and extract such deposits of oil and gas, or gas, and to prospect for, mine, and remove such deposits of other minerals, shall not disturb the surface, or the ground within 100 feet of the surface, of the real property conveyed:

(a) Parcel No. 1. Beginning at the point of intersection of the westerly line of Davis Street and the southerly line of Clay Street as shown on map entitled "Record of Survey Map of the Golden Gateway," recorded September 29, 1961, in Book

"T" of Maps, at pages 22, 23 and 24, in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said line of Clay Street 68.75 feet to the easterly line of Davis Street; thence at a right angle southerly along said line of Davis Street 275 feet to the northerly line of Sacramento Street; thence at a right angle westerly along said line of Sacramento Street 68.75 feet to the westerly line of Davis Street; thence at a right angle northerly along said line of Davis Street to the point of beginning.

(b) Parcel No. 2. Beginning at the point of intersection of the westerly line of Davis Street and the southerly line of Broadway as shown on map entitled "Record of Survey Map of the Golden Gateway," recorded September 29, 1961, in Book "T" of Maps, at pages 22, 23 and 24 in the office of the Recorder of the City and County of San Francisco, State of California; running thence easterly along said line of Broadway 68.75 feet to the easterly line of Davis Street; thence at a right angle southerly along said line of Davis Street 275 feet to the northerly line of Pacific Avenue; thence at a right angle westerly along said line of Pacific Avenue 68.75 feet to the westerly line of Davis Street; thence at a right angle northerly along said line of Davis Street to the point of beginning.

The above-described parcels are portions of Davis Street in the City and County of San Francisco, as shown on the map referred to in this section.

SEC. 3. The State Director of Finance shall execute and deliver to the City and County of San Francisco a deed or quitclaim deed of all of the right, title, and interest of the state in and to the property described in Section 2, subject to the reservation contained in Section 2 of this act. Such deed or quitclaim deed shall be sufficient to convey title of such lands to the City and County of San Francisco, free of trust.

SEC. 4. The Legislature hereby finds and declares that the lands described in Section 2 of this act have ceased to be tide and submerged lands and are therefore free of the public trust for navigation, commerce, and fisheries and such lands are conveyed to the City and County of San Francisco by the provisions of this act free of any previously existing public trust for the purpose of navigation, commerce, and fisheries.

SEC. 5. The lands described in Section 2 of this act shall be sold at a price equal to the fair market value of the state's interest in said lands, which shall be determined by agreement between an appraiser representing the State Lands Commission and an appraiser representing the City and County of San Francisco. In the event the two appraisers are unable to agree, they shall agree on a third appraiser who shall determine such fair market value. The cost of the appraisals shall be borne by the City and County of San Francisco.

SEC. 6. The lands described in Section 2 of this act shall not be subject to reversion to the state by reasons of any breach by the City and County of San Francisco of any condition imposed by any provision of the Burton Act or of any other law requiring a reversion to the state upon breach of condition.

SEC. 7. The City and County of San Francisco is authorized to bring or defend any action to establish its title to the lands described in Section 2 of this act. Any suit against the state or against any agency of the state to establish title in the City and County of San Francisco is authorized and consent to any such suit is hereby given.

SEC. 8. Service of summons in any actions or suits with respect to the sale of lands under Section 6 of this act shall be made upon the Attorney General and the Attorney General shall represent the state in any such actions or suits. Cost of such suits, including reasonable attorneys fees, shall be borne by the City and County of San Francisco.

SEC. 9. Any money received by the City and County of San Francisco from the sale of lands described in Section 2 of this act shall be used by the Harbor Commission of the City and County of San Francisco to retire bonded indebtedness incurred for San Francisco Harbor improvements and for which the state is primarily liable.

CHAPTER 1475

An act to add Section 14012 to the Government Code, relating to state property.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. Section 14012 is added to the Government Code, to read:

14012. The director may lease nonoperating right-of-way areas to municipalities or other local agencies for public purposes, and may contribute toward the cost of developing local parks and other recreational facilities on such areas. The director may accept as all or part of the consideration for such lease or for such state contribution any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state. Such leases shall contain a provision that whenever the leased land is needed for state highway operating purposes the lease shall terminate. The department is authorized to classify portions of state highway right-of-way as nonoperating.

CHAPTER 1476

An act relating to the establishment and maintenance of regional centers for mentally retarded persons and their families.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 4, 1969.]

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

SECTION 1. The State Department of Public Health shall establish and fund from the money appropriated for that purpose by Item 344 of the Budget Act of 1969, three new regional centers for mentally retarded persons and their families pursuant to Article 7.5 (commencing with Section 415) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code.

CHAPTER 1477

An act to amend Section 72602.1 of the Government Code, relating to municipal court judges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 72602.1 of the Government Code is amended to read:

72602.1. In addition to the number of judges prescribed by Section 72602, there shall be two additional judges for the Long Beach Municipal Court District.

CHAPTER 1478

An act to amend Section 32132 of the Health and Safety Code and to add Section 23704 to the Revenue and Taxation Code, relating to corporation tax exemptions, to take effect immediately, tax levy.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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.

Nothing in this section shall prevent any district hospital from participating as a member of any organization described in Section 23704 of the Revenue and Taxation Code, nor shall this section apply to any purchase made or services rendered by such organization on behalf of a district hospital which is a member of such organization.

SEC. 2. Section 23704 is added to the Revenue and Taxation Code, to read:

23704. For purposes of this part, an organization shall be treated as an organization organized and operated exclusively for charitable purposes, if:

(a) Such organization is organized and operated solely:

(1) To perform, on a centralized basis, one or more of the following services which, if performed on its own behalf by a hospital which is an organization described in Section 23701d and exempt from taxation under Section 23701, would constitute activities in exercising or performing the purpose or function constituting the basis for its exemption: data processing, purchasing, warehousing, billing and collection, food, industrial engineering, laboratory, laundry, printing, communications, record center, and personnel (including selection, testing, training, and education of personnel) services; and

(2) To perform such services solely for two or more hospitals, and for no other individuals or organizations, each of which is:

(A) An organization described in Section 23701d which is exempt from taxation under Section 23701;

(B) A constituent part of an organization described in Section 23701d which is exempt from taxation under Section 23701 and which, if organized and operated as a separate entity, would constitute an organization described in Section 23701d; or

(C) Owned and operated by the United States, the state, a county, or a political subdivision, or an agency or instrumentality of any of the foregoing;

(b) Such organization is organized and operated on a cooperative basis and allocates or pays, within 8½ months after the close of its income year, all net earnings to members on the basis of services performed for them; and

(c) If such organization has capital stock, all of such stock outstanding is owned by its members.

For purposes of this part, any organization which, by reason of the preceding sentence, is an organization described in Section 23701d and exempt from taxation under Section 23701, shall be treated as a hospital and as an organization referred to in Section 23736(e).

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect, however, this act shall be applied in the computation of taxes on or measured by net income of calendar or fiscal years ending after December 31, 1968.

CHAPTER 1479

An act appropriating funds for increases in compensation for psychiatric technicians, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

I object to the $3,676,633 appropriation in Senate Bill No. 481, and I hereby reduce said appropriation from $3,676,633 to $1,838,317.
With this reduction, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. There is hereby appropriated from the General Fund the sum of three million six hundred seventy-six thousand six hundred thirty-three dollars ($3,676,633), to be allocated as provided in Section 2 of this act, and such sums from other funds as provided in Section 2 of this act, for salary increases for psychiatric technician classes to be allocated as provided for in this act.

SEC. 2. The amount appropriated from the General Fund by Section 1 of this act shall be used to augment Item 297(a) of the Budget Act of 1969 for the period July 1, 1969–June 30, 1970. Such amount shall be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid to psychiatric technician classes, whose compensation, or portion thereof is chargeable to the General Fund, an increase in compensation, including staff benefits, established on or after January 1, 1969, by the State Personnel

Board or other salary-fixing authority, exclusive of the Regents of the University of California and the Trustees of the California State Colleges as provided in Section 3 of this act.

For psychiatric technician classes, whose compensation, including staff benefits, or portion thereof, is payable from special funds or other funds there is hereby appropriated from each special fund or other funds from which such employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such employee, in accordance with this section, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the period July 1, 1969–June 30, 1970, shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.

SEC. 3. The money appropriated by this act shall be used to raise the salary range of psychiatric technician classes which have fallen substantially behind compensation for comparable work within state service.

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:

Compensation for psychiatric technician classes has fallen substantially behind compensation for other classes within state service who do comparable and often identical work. Unless there is a prompt and adequate realignment of the compensation of the psychiatric technician classes, the principle of "like pay for like work" as set forth in Section 18850 of the Government Code will be violated in its application to the psychiatric technician classes, and state service will suffer serious and irreparable harm. It is therefore necessary that this legislation be given immediate effect.

CHAPTER 1480

An act to amend Section 69599.5 of the Government Code, relating to superior courts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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 seven judges of the superior court.

SEC. 2. This act shall become operative July 1, 1970.

CHAPTER 1481

An act to add Section 20081.1 to the Education Code, relating to junior colleges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 20081.1 is added to the Education Code, to read:

20081.1. Notwithstanding Section 20081, the relative district ability of a junior college district formed after June 30, 1964, from territory other than that which included a unified or high school district which maintained a junior college, or a junior college district, shall be computed according to one of the following: (1) for a district which became effective for all purposes between June 30, 1964, and June 30, 1967, by dividing the 1968–1969 assessed valuation of the district by the 1974–1975 projected resident weekly student contact hours of the district, or (2) for a district which became effective for all purposes between July 1, 1967, inclusive, and June 30, 1969, the lesser dividend of the 1968–1969 assessed valuation of the district divided by the 1975–1976 projected resident weekly student contact hours of the district, or the projected resident weekly student contact hours of the district five years from the semester or quarter during which day classes are first offered, or (3) for a district which becomes effective for all purposes after June 30, 1969, by dividing the assessed valuation of the district for the fiscal year prior to the year the district becomes effective for all purposes by the projected resident weekly student contact hours of the district five years from the semester or quarter during which day classes are first offered.

Relative district ability shall be computed pursuant to Section 20081 for fiscal year 1975–1976 and each year thereafter for a district which became effective for all purposes between June 30, 1964, and June 30, 1967, and for the sixth fiscal year after day classes are first offered and each year thereafter for a district which became effective for all purposes on July 1, 1967, inclusive and thereafter.

The projected resident weekly student contact hours for purposes of this section shall be determined by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges and the junior college district affected.

Expenditures made by a district during the 1969–1970 fiscal year for projects approved or approvable pursuant to Chapter 19 (commencing with Section 20050) of Division 14 which exceeds that required for local expenditure for such projects by the matching ratio established by provisions of this section shall be allowed as local matching funds for projects approved for the fiscal years 1970–71 to 1975–1976, inclusive.

CHAPTER 1482

An act to amend Section 69600 of the Government Code, relating to superior court judges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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 21 judges of the superior court.

CHAPTER 1483

An act to amend Sections 53630, 53649, 53651, 53659, and 53679 of, to add Sections 53652, 53653, 53654, 53655, 53656, 53657, 53658, 53660, 53661, 53662, 53663, 53664, 53665, 53666, 53667, and 53668 to, and to repeal Sections 53655, 53657, 53660, 53661, 53662, 53665, 53666, 53670, 53671, 53672, 53673, 53673.5, 53674, 53675 and 53677 of, the Government Code, relating to deposits of public moneys.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 53630 of the Government Code is amended to read:

53630. As used in this article:

(a) "Local agency" means county, city, city and county, or other public agency or corporation.

(b) "Treasurer" means treasurer of the local agency.

(c) "Depository" means a state or national bank in which the moneys of a local agency are deposited.

(d) "Agent of depository" means a trust company or trust department of a state or national bank located in this state, including the trust department of a depository where authorized.

(e) "Security" means any of the eligible securities or obligations listed in Section 53651.

(f) "Pooled securities" means eligible securities held by an agent of depository for a depository and securing deposits of one or more local agencies.

(g) "Administrator" means the Administrator of Local Agency Security of the State of California.

SEC. 2. Section 53649 of the Government Code is amended to read:

53649. The treasurer is responsible for the safekeeping of funds in his custody and shall enter into any contract with a depository which in his judgment is to the public advantage. One copy of each such contract shall be filed with the auditor, controller, secretary or corresponding officer of the local agency. The contract shall:

(a) Fix the duration of deposits.

(b) Fix the interest rate, if any.

(c) Provide conditions for withdrawal and repayment.

(d) Provide for placement of pooled securities in a named agent of depository in accordance with Section 53656.

(e) Grant authority for agent of depository to place securities for safekeeping in accordance with Section 53658.

(f) Set forth in accordance with Section 53665 the conditions upon which the administrator shall order pooled securities converted into money for the benefit of the local agency, and the procedure therefor.

(g) Provide for compliance in all respects with the provisions of this article and other applicable provisions of law.

SEC. 3. Section 53651 of the Government Code is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contri-

bution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) 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, 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, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, and bonds of any federal home loan bank established under said act.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

SEC. 4. Section 53652 is added to the Government Code, to read:

53652. To secure active or inactive deposits the depository shall at all times maintain with the agent of depository pursuant to Sections 53656 and 53658 securities having a market value of at least 10 percent in excess of the total amount of all deposits of that depository secured by the pooled securities referred to in said sections.

SEC. 5. Section 53653 is added to the Government Code, to read:

53653. When in his discretion local conditions so warrant, the treasurer may waive security for such portion of any deposits as is insured pursuant to federal law, notwithstanding this article.

SEC. 6. Section 53654 is added to the Government Code, to read:

53654. (a) The depository may add securities to the pool or substitute securities of equal value for those in the pool at any time.

(b) Withdrawal of securities from the pool without replacement at equal value may be ordered only by bonded officers or employees of the depository who have satisfied such require-

ments as may be set by the administrator. The agent of depository is responsible for the safekeeping and disbursement of securities placed in its custody by a depository. It shall release securities only upon presentation by the depository of the most reasonably current statement of the total deposits subject to this article held by the depository, such statement to be verified and countersigned by two bonded officers, other than those who may have ordered the withdrawal of securities. A copy of this statement shall be forwarded to the administrator concurrently by the depository.

SEC. 7. Section 53655 of the Government Code is repealed.

SEC. 8. Section 53655 is added to the Government Code, to read:

53655. A placement of securities by a depository with an agent of depository pursuant to this article shall have the effect of perfecting a security interest in those securities in the local agencies having deposits in that depository notwithstanding provisions of the Uniform Commercial Code to the contrary and notwithstanding that the agent of depository may be the trust department of the depository.

SEC. 9. Section 53656 is added to the Government Code, to read:

53656. At the time the treasurer enters into a contract with the depository pursuant to Section 53649, he shall authorize the agent of depository designated by the depository, but including the trust department of the depository only when acceptable to both the treasurer and the depository, to hold securities of the depository in accordance with this article to secure the deposit of the local agency. Said securities are subject to order of the depository in accordance with Section 53654 except when the provisions of Section 53665 are in effect.

SEC. 10. Section 53657 of the Government Code is repealed.

SEC. 11. Section 53657 is added to the Government Code, to read:

53657. Each trust company or trust department intending to act as an agent of depository shall file with the administrator, on a form to be provided by the Administrator, an agreement to comply in all respects with the provisions of this article. Only those trust companies and trust departments filing such agreements shall be authorized by treasurers in accordance with Section 53656 to act as agents of depository.

SEC. 12. Section 53658 is added to the Government Code, to read:

53658. An agent of a depository may hold and pool securities to secure deposits for one or more depositories pursuant to Section 53655, but shall maintain a separate pool for each said depository. Each local agency shall have an undivided security interest in the pooled securities in the proportion that the amount of its deposits bears to the total amount of deposits secured by the pooled securities.

SEC. 13. Section 53659 of the Government Code is amended to read:

53659. Whenever an agent of depository accepts securities pursuant to Section 53656 it may, with the authorization of the depository, place such securities for safekeeping with a federal reserve bank or branch thereof or with any bank located in a city designated as a reserve city by the Board of Governors of the Federal Reserve System. Authority for such placement together with the names of the banks to be so used, shall be contained in the contract between the treasurer and the depository required in Section 53649.

SEC. 14. Section 53660 of the Government Code is repealed.

SEC. 15. Section 53660 is added to the Government Code, to read:

53660. When deposits of a local agency are secured by pooled securities pursuant to Section 53656, the agent of depository shall furnish to the treasurer upon request:

(a) A quarterly certification that there are securities in the pool having a market value at least 10 percent in excess of all deposits reported by the depository which are secured by such pool and a certified report of the individual securities then on deposit in the pool with the location and total market value thereof and the total deposits then reported by the depository to be secured by the pool. This may be a copy of the report required in Section 53661(c).

(b) A monthly report of the individual securities in the pool and the location thereof except when such report is contained in the certified quarterly report required in subsection (a) of this section.

SEC. 16. Section 53661 of the Government Code is repealed.

SEC. 17. Section 53661 is added to the Government Code, to read:

53661. The Superintendent of Banks shall act as Administrator of Local Agency Security and shall be responsible for the administration of this article. He shall:

(a) Issue such rules and regulations consistent with law and impose appropriate sanctions for noncompliance therewith as he may deem necessary or advisable in executing the powers, duties and responsibilities assigned by this article.

(b) Require compliance in all respects with the provisions of this article and impose sanctions for noncompliance therewith.

(c) Require from every depository a report verified by the agent of depository listing all securities, and the market value thereof, which are securing local agency deposits together with the total deposits then secured by the pool, such report to confirm compliance with Section 53652. Such reports may be required whenever deemed necessary by the administrator, but shall be required at least four times each year at the times designated by the Comptroller of the Currency for reports from national banking associations.

(d) Verify pooled securities reported to be held by an agent of a depository at such times as he deems necessary.

(e) Have access to reports of examination made by the Comptroller of the Currency insofar as they relate to the trust departments of national banking associations.

(f) Determine when any security listed in Section 53651 is not qualified to secure public deposits and to require in such case that an additional security be substituted immediately in the pooled securities if necessary to comply with Section 53652. Failure to comply with such requirement shall be reported by the administrator promptly to those treasurers having money on deposit in that depository and, in addition, when that depository is a national bank, shall be reported to the Comptroller of the Currency of the United States.

(g) Require from each treasurer at appropriate times a statement of the amount and location of each deposit together with such other information deemed necessary by the administrator for effective operation of this article. The facts recited in any statement from a treasurer to the administrator are conclusively presumed to be true for the single purpose of the administrator fulfilling responsibilities assigned to him by this article and for no other purpose.

SEC. 18. Section 53662 of the Government Code is repealed.

SEC. 19. Section 53662 is added to the Government Code, to read:

53662. If the treasurer of a local agency deems a security not to be qualified to secure public deposits, he may notify the administrator, who shall take such action as he deems necessary and notify the treasurer thereof.

SEC. 20. Section 53663 is added to the Government Code, to read:

53663. Each depository shall report in writing to the administrator:

(a) Within two business days after any withdrawal, substitution or addition of pooled securities and shall state the name and market value of the securities withdrawn, substituted or added together with the total deposits then secured by the pool. This information shall be available from the administrator to the treasurer upon request.

(b) Weekly, giving the total amount of all deposits held by such depository pursuant to this article if no report has been made under subsection (a) of this section during the previous week.

SEC. 21. Section 53664 is added to the Government Code, to read:

53664. The individual reports specified in Sections 53654, 53660, 53661, 53662 and 53663 are not public documents and are not open to inspection by the public.

SEC. 22. Section 53665 of the Government Code is repealed.

SEC. 23. Section 53665 is added to the Government Code, to read:

53665. If a depository fails to pay all or part of the deposits of a local agency secured by pooled securities in accordance with the contract provided for in Section 53649, and on demand of its treasurer or other authorized official, the treasurer shall notify the administrator in writing who then shall require by written instruction the agent of depository holding the pooled securities to convert into money such portion of the pooled securities as may be necessary to produce an amount equal to the deposits of the local agency plus any accrued interest or costs due and to pay such amount to the treasurer in satisfaction of such deposits. Any moneys resulting from such conversion in excess of the amount of such deposits plus any accrued interest or costs due shall be retained by the agent of depository as part of the trust pool until the depository substitutes for such excess moneys securities having a market value sufficient to bring the total of pooled securities up to the amount required by Section 53652

SEC. 24. Section 53666 of the Government Code is repealed.

SEC. 25. Section 53666 is added to the Government Code, to read:

53666. The only liability that shall attach to the administrator as the result of the operation of this article is that which would attach as a result of other laws of this state.

SEC. 26. Section 53667 is added to the Government Code, to read:

53667. Expenses incurred by the administrator in carrying out the duties and responsibilties assigned to him by this article, shall be borne pro rata on an annual basis by each depository accepting local agency deposits. The basis of the apportionment of such expenses shall be the proportion that the average amount of local agency deposits held by the depository bears to the average total amount of deposits held by all depositories in the state as shown by the reports of depositories to the administrator required in Section 53661(c). On or before the last day of each fiscal year the administrator shall notify each depository by mail of the amount levied against it. The depository shall pay the amount levied within 20 days after such notice. If payment is not made to the administrator within such time, the administrator shall assess and collect, in addition to the annual assessment, a penalty of 5 percent of the assessment for each month or part thereof that the payment is delinquent.

SEC. 27. Section 53668 is added to the Government Code, to read:

53668. Each depository shall render quarterly to the treasurer a statement in triplicate showing the daily balances or amount of money of the local agency held during the quarter

and the amount of accrued interest thereon separately. One copy shall be filed by the treasurer with the auditor, controller, secretary, or corresponding officer of the local agency.

SEC. 28. Section 53670 of the Government Code is repealed.

SEC. 29. Section 53671 of the Government Code is repealed.

SEC. 30. Section 53672 of the Government Code is repealed.

SEC. 31. Section 53673 of the Government Code is repealed.

SEC. 32. Section 53673.5 of the Government Code is repealed.

SEC. 33. Section 53674 of the Government Code is repealed.

SEC. 34. Section 53675 of the Government Code is repealed.

SEC. 35. Section 53677 of the Government Code is repealed.

SEC. 36. Section 53679 of the Government Code is amended to read:

53679. So far as possible all money belonging to a local agency under the control of any of its officers or employees other than the treasurer or a judge or officer of a justice or municipal court shall, and all money coming into the possession of a judge or officer of a justice or municipal court may, be deposited as active deposits in the state or national bank in this state selected by the officer, employee, or judge of the court. Such money is subject to this article except:

(a) Security is not required for deposits pursuant to this section which are insured under any federal law, nor is a written contract in accordance with Section 53649 required.

For deposits in excess of the amount insured under any federal law a contract in accordance with Section 53649 is required and the provisions of this article shall apply.

(b) Interest is not required on money deposited by a judge or officer of a justice or municipal court.

(c) Interest is not required on money deposited by an officer having control of a revolving fund created pursuant to Chapter 2, Division 3, Title 3.

(d) Interest is not required on money deposited by an officer having control of a special fund established pursuant to Articles 5 or 6, Chapter 2, Division 3, Title 3.

SEC. 37. This act shall become operative July 1, 1970.

SEC. 38. Notwithstanding the fact that the provisions of this act become operative on July 1, 1970, the administrator may make such preliminary actions with respect to planning and staffing of the office of the Administrator of Local Agency Security as are necessary to prepare for immediate operation of the office on July 1, 1970, prior to July 1, 1970.

To provide funds for planning and staffing prior to July 1, 1970, the administrator shall collect from each bank intending to act as a depository under this article, in no more than three installments, a registration fee up to a maximum of one dollar ($1) for each twenty-seven thousand five hundred dollars ($27,500) of local agency deposits held by such bank during fiscal year 1969.

Notwithstanding Section 37 of this act, the provisions of this section shall become operative at the same time as statutes enacted at the 1969 Regular Session of the Legislature become effective.

CHAPTER 1484

An act to add Section 897 to the Military and Veterans Code, relating to veterans' benefits.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 897 is added to the Military and Veterans Code, to read:

897. Notwithstanding any other statute or section of this code, the department shall grant for postgraduate college study, the collegiate benefits authorized by this article, to any person who is a child of a veteran who was killed in action in World War II on or after December 7, 1941, and prior to January 1, 1947, if such person is enrolled on the effective date of this section in postgraduate study in a university or college in this state, speaks and writes at least two Chinese dialects, and has not attained the age of 32 by December 1, 1969.

SEC. 2. The Legislature finds that there is a pressing need in the University of California and the state colleges for teachers of the various Chinese dialects and related subjects. It is the intent and purpose of the Legislature in enacting by this act, Section 897 of the Military and Veterans Code, to assist in meeting such need by affording veterans' educational benefits to persons of a class who are children of deceased veterans and who have the needed Chinese language skills.

CHAPTER 1485

An act to amend Section 69591 of the Government Code, relating to superior courts.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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 22 judges of the superior court.

CHAPTER 1486

An act to amend Section 69580 of the Government Code, relating to judges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 69580 of the Government Code is amended to read:

69580. In the County of Alameda there shall be 23 judges of the superior court.

CHAPTER 1487

An act to amend Section 69104 of the Government Code, relating to judges, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 69104 of the Government Code is amended to read:

69104. The Court of Appeal for the Fourth Appellate District consists of two divisions. One division shall hold its regular sessions at San Diego and shall have four judges and the other shall hold its regular sessions at San Bernardino and shall have five judges.

SEC. 2. There is hereby appropriated from the General Fund for additional support of the Court of Appeal, Fourth Appellate District, the sum of two hundred forty-two thousand dollars ($242,000).

CHAPTER 1488

An act authorizing the Department of General Services to dispose of property belonging to the state.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. The Director of General Services is hereby authorized to quitclaim to the City of Galt, County of Sacramento, State of California, at no cost to the city, approximately 48 acres of land situated in Sacramento County within the city limits of Galt, California, being the former location of the Sacramento County Fairgrounds, upon condition the

land shall be substantially used for recreational or park purposes and shall revert to the 52nd District Agricultural Association in the event of any breach of such conditions, which condition shall be set forth in the quitclaim deed.

CHAPTER 1489

An act to add Chapter 16 (commencing with Section 7260) to Division 7 of Title 1 of the Government Code, to amend Section 33415 of the Health and Safety Code, to add Article 6 (commencing with Section 600) to Chapter 3 of Part 1 of Division 1 of the Public Utilities Code, and to add Section 158.1 to the Streets and Highways Code, relating to property acquisitions by public entities and public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Chapter 16 (commencing with Section 7260) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 16. RELOCATION ASSISTANCE

7260. As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property or any interest therein, in a county having a population of more than four million persons, for public use, except the Department of Public Works of this state.

(b) "Displaced person" means any individual, family, business, or farm operation, which moves from real property acquired by a public entity for public use.

(c) "Individual" means a person who is not a member of a family.

(d) "Family" means two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(e) "Business" means any lawful activity conducted primarily for purchase and resale, manufacture, processing or marketing of products, commodities, or other personal property; or for the sale of services to the public; or by a nonprofit corporation.

(f) "Farm operation" means any activity conducted primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(g) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

(h) "Public use" means a use for which real property may be acquired by eminent domain.

7261. (a) A public entity is authorized to give relocation advisory assistance to any individual, family, business, or farm operation displaced because of the acquisition of real property by that public entity for public use.

(b) In giving such assistance, the public entity may establish local relocation advisory assistance offices to assist in obtaining replacement facilities for individuals, families, and businesses which it is necessary to relocate because of the acquisition of real property by the public entity.

7262. (a) As a part of the cost of acquisition of real property for a public use, a public entity may compensate a displaced person for his actual and reasonable expense in moving himself, family, business, or farm operation, including moving personal property.

(b) Any displaced person who moves from a dwelling who elects to accept payments authorized by this subdivision in lieu of the payments authorized by subdivision (a) of this section may receive a moving expense allowance, determined according to a schedule established by the public entity, not to exceed two hundred dollars ($200), and in addition a dislocation allowance of one hundred dollars ($100).

(c) Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a) of this section, may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars ($5,000), whichever is less. In the case of a business, no payment shall be made under this subdivision unless the public entity is satisfied that the business cannot be relocated without a substantial loss of patronage, and is not a part of a commercial enterprise having at least one other establishment, not being acquired, which is engaged in the same or similar business. For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business, or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property being acquired, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two-year period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make available

its state income tax records and its financial statements and accounting records, for audit for confidential use to determine the payment authorized by this subdivision.

7263. (a) In addition to the payments authorized by Section 7261, the public entity, as a part of the cost of construction, may make a payment to the owner of real property acquired for public use which is improved with a single- or two- or three-family dwelling actually owned and occupied by the owner for not less than one year prior to the first written offer for the acquisition of such property.

(b) Such payment, not to exceed five thousand dollars ($5,000), shall be the amount, if any, which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined, in accordance with standards established by the public entity, to be a decent, safe and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and the condemnee's place of employment, and available on the market.

(c) Such payment shall be made only to a displaced owner who purchases and occupies a dwelling that meets standards established by the public entity within one year subsequent to the date on which he is required to move from the dwelling acquired by the public entity.

7264. (a) In addition to the payment authorized by Section 7261, as a part of the cost of acquisition, the public entity may make a payment to any individual or family displaced from any dwelling not eligible to receive a payment under Section 7263 which was actually and lawfully occupied by such individual or family for not less than 90 days prior to the first written offer from the public entity for the acquisition of such property.

(b) Such payment, not to exceed one thousand five hundred dollars ($1,500), shall be the additional amount which is necessary to enable such individual or family to lease or rent for a period not to exceed two years, or to make the downpayment on the purchase of, a decent, safe, and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities.

7265. (a) In addition to the payment authorized by Section 7261, as a cost of acquisition, the public entity may make a payment to any affected property owner meeting the requirements of this section.

(b) Such affected property is immediately contiguous to property acquired for a public use and the owner shall have owned the property affected by acquisition by the public entity not less than one year prior to the first written offer for acquisition of the acquired property.

(c) Such payment, not to exceed five thousand dollars ($5,000), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity

for public use of other real property and a change in the use of such property.

(d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity pursuant to this chapter. Such rules and regulations shall limit payment under this section only to such circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

7266. Any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of a payment, may have his application reviewed by the public entity, and the decision of the public entity shall be final.

7267. Payments under the provisions of this chapter shall be made to eligible persons in accordance with such rules and regulations as shall be adopted by the State Board of Control for property acquisitions by a state agency, or the governing body of any other public entity, for property acquisitions by such entity. Payments made in relation to property acquisition for roads and streets by public entities other than the state shall be made in accordance with the provisions of Article 3.5 (commencing with Section 156) of Chapter 1 of Division 1 of the Streets and Highways Code and such rules and regulations as shall be adopted by the State Department of Public Works.

7268. The State Board of Control is authorized to adopt rules and regulations to implement payments under this chapter by state agencies. The governing bodies of other public entities are authorized to adopt rules and regulations to implement payments under this chapter by such entities

7269. No payment received by any person under this chapter shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code, nor shall such payments be considered as income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under Part 3 (commencing with Section 11000) of Division 9 of the Welfare and Institutions Code.

7270. Nothing contained in this chapter shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of damages not in existence on the date of enactment of this chapter.

7271. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

7272. The provisions of this chapter shall apply only to the provision by a public entity of relocation assistance to any individual, family, business, or farm operation located in a county having a population of more than four million persons.

SEC. 2. Section 33415 of the Health and Safety Code is amended to read:

33415. (a) An agency may make relocation payments to or with respect to persons (including families, business concerns, and others) displaced by a redevelopment project, for moving expenses and losses of property for which reimbursement or compensation is otherwise made, including the making of such payments financed by the federal government.

(b) An agency in a county having a population of more than four million persons may make any of the payments authorized by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code, including the making of such payments financed by the federal government.

SEC. 3. Article 6 (commencing with Section 600) is added to Chapter 3 of Part 1 of Division 1 of the Public Utilities Code, to read:

Article 6. Relocation Assistance

600. A public utility acquiring real property in a county having a population of more than four million persons by eminent domain is authorized to give relocation advisory assistance and to make any of the payments authorized by Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code. For the purposes of this section, a public utility shall be considered to be a "public entity" other than a state agency, as defined by Section 7260 of the Government Code.

SEC. 4. Section 158.1 is added to the Streets and Highways Code, to read:

158.1. In addition to the payment authorized by Section 157, as a part of the cost of construction the department may, if federal funds are available for reimbursement, make a payment to any individual, family, business or farm operation pursuant to the provisions of Section 7265 of the Government Code, in accordance with such rules and regulations as the department shall adopt relating to such payments.

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:

Owners of property subject to eminent domain will delay settlement of the acquisition of their property until this act becomes operative so as to take advantage of the relocation assistance it provides. In order to reduce this delay in property acquisition to a minimum, it is necessary that this act become operative immediately.

CHAPTER 1490

An act to amend Sections 69595, 72602, 74001, and 74191 of, and to add Section 73075.6 to, the Government Code, relating to courts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 25 judges of the superior court.

SEC. 2. 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	3
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	3
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

SEC. 3. Section 73075.6 is added to the Government Code, to read:

73075.6. There shall be one additional judge in the San Leandro-Hayward Judicial District.

SEC. 4. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the North Orange County Municipal Court, eight; in the Central Orange County Municipal Court, seven, and on and after May 1, 1970, there shall be eight; in the West Orange County Municipal Court, five, and on and after July 1, 1969, there shall be six; in the Orange County Harbor Municipal Court, three; and in the South Orange County Municipal Court, two.

SEC. 5. Section 74191 of the Government Code is amended to read:

74191. There shall be 10 judges. The judges of courts superseded by consolidation of municipal court districts shall automatically succeed to judgeships of the consolidated district.

CHAPTER 1491

An act to amend Sections 69582, 70047, 70056, 73341, 73342, 73347, 73351, and 73351.1 of the Government Code, relating to courts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 69582 of the Government Code is amended to read:

69582. In the County of Contra Costa there shall be 10 judges of the superior court.

SEC. 2. 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 fourteen thousand forty dollars ($14,040), 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. 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 eleven dollars ($11).

SEC. 4. 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
River Judicial District	1
San Pablo Judicial District	1
Walnut Creek-Danville Judicial District	2
Any other court established or declared to exist	1

SEC. 5. 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 at 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 fourteen thousand forty dollars ($14,040) a year, which shall be a charge against the general fund of the county.

SEC. 6. 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 eleven dollars ($11) 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. 7. Section 73351 of the Government Code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County:

Salary Schedule

Range No.	1	2	3	4	5
20	$376	$395	$415	$436	$458
21	385	405	425	447	469
22	395	415	436	458	481
23	405	425	447	469	493
24	415	436	458	481	505

Range No.	1	2	3	4	5
25	425	447	469	493	517
26	436	458	481	505	530
27	447	469	493	517	543
28	458	481	505	530	556
29	469	493	517	543	570
30	481	505	530	556	584
31	493	517	543	570	598
32	505	530	556	584	613
33	517	543	570	598	628
34	530	556	584	613	644
35	543	570	598	628	660
36	556	584	613	644	676
37	570	598	628	660	693
38	584	613	644	676	710
39	598	628	660	693	727
40	613	644	676	710	745
41	628	660	693	727	763
42	644	676	710	745	782
43	660	693	727	763	801
44	676	710	745	782	821
45	693	727	763	801	841
46	710	745	782	821	862
47	727	763	801	841	883
48	745	782	821	862	905
49	763	801	841	883	927
50	782	821	862	905	950
51	801	841	883	927	973
52	821	862	905	950	997
53	841	883	927	973	1,022
54	862	905	950	997	1,047
55	883	927	973	1,022	1,073
56	905	950	997	1,047	1,099
57	927	973	1,022	1,073	1,126
58	950	997	1,047	1,099	1,154
59	973	1,022	1,073	1,126	1,183
60	997	1,047	1,099	1,154	1,212
61	1,022	1,073	1,126	1,183	1,242
62	1,047	1,099	1,154	1,212	1,273
63	1,073	1,126	1,183	1,242	1,305
64	1,099	1,154	1,212	1,273	1,337
65	1,126	1,183	1,242	1,305	1,370
66	1,154	1,212	1,273	1,337	1,404
67	1,183	1,242	1,305	1,370	1,439
68	1,212	1,273	1,337	1,404	1,474
69	1,242	1,305	1,370	1,439	1,511
70	1,273	1,337	1,404	1,474	1,548
71	1,305	1,370	1,439	1,511	1,586
72	1,337	1,404	1,474	1,548	1,625
73	1,370	1,439	1,511	1,586	1,665
74	1,404	1,474	1,548	1,625	1,706

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until the 61st day after adjournment of the next regular session of the Legislature.

SEC. 8. Section 73351.1 of the Government Code is amended to read:

73351.1. Classes of positions provided in Section 73351 are allocated to the salary schedule as follows:

(a) Deputy clerk I	Range 23
(b) Deputy clerk II	Range 27
(c) Deputy clerk III	Range 35
(d) Deputy clerk IV	Range 45
(e) Clerk of court I	Range 54
(f) Clerk of court II	Range 59
(g) Deputy marshal I	Range 46
(h) Deputy marshal II	Range 50
(i) Marshal I	Range 60
(j) Marshal II	Range 64

CHAPTER 1492

An act to amend Section 23754.3 of the Education Code, relating to the California State Colleges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 23754.3 of the Education Code is amended to read:

23754.3. The trustees shall have the power, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or to reduce below the rate, or the minimum rate, fixed by Section 23754, the tuition fee of a nonresident student or a nonresident student who is a citizen and resident of a foreign country who is a graduate student of exceptional scholastic ability and prior scholastic achievement who, while not employed full time by a state college, is employed 20 hours or more a week by a state college or is enrolled in a course of study of not less than 10 semester or quarter units.

The number of reductions and waivers granted by the trustees under this section shall at no time exceed twenty-five

percent (25%) of the nonresident graduate students, including nonresident graduate students who are citizens and residents of a foreign country, then enrolled in the California State Colleges.

CHAPTER 1493

An act to add Chapter 6 (commencing with Section 32001) to Division 22 of the Education Code, relating to innovative schools.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Chapter 6 (commencing with Section 32001) is added to Division 22 of the Education Code, to read:

CHAPTER 6. INNOVATIVE SCHOOLS

Article 1. General Provisions

32001. It is the intent of the Legislature to establish California innovative schools throughout the state to be administered by a public commission. The Legislature believes that the improvement of educational programs demands an organized and concerted effort in educational experimentation and research to:

(a) Identify both the exemplary school programs which lead to pupil success in school and the programs that fail to produce success.

(b) Examine the effectiveness of various instructional programs.

(c) Conduct research and experimentation on a clinical basis to seek improved methods of instruction.

(d) Measure the potential for self-sustained learning among pupils of varying aptitudes and characteristics.

(e) Discover ways to improve instruction in reading and mathematics.

Article 2. Educational Research Commission

32011. There is in the state government the Educational Research Commission consisting of two members appointed by the Senate Committee on Rules, two members appointed by the Speaker of the Assembly and five members appointed by the State Board of Education. The members appointed by the Senate Committee on Rules and by the Speaker of the Assembly shall not be Members of the Legislature. One of the five members appointed by the state board shall be an elementary school teacher and one shall be a secondary school teacher. The nine members of the Educational Research Commission

shall be selected for their familiarity, standing, competence and attainment in research methods applicable to the physical, behavioral, and management sciences. The members appointed by the Senate Committee on Rules and the Speaker of the Assembly shall serve at the discretion of the appointing power. The remaining five members shall serve for four-year terms, except those first appointed shall determine by lot which member shall serve for one year; which member shall serve for two years; which member shall serve for three years; and which two members shall serve for four years.

32012. As used in this chapter, "commission" means the Educational Research Commission.

32013. Members of the commission shall serve without compensation, except that they shall receive their actual necessary traveling expenses incurred in the performance of their duties.

32014. The commission shall have the power and authority to:

(a) Employ a staff for the commission and for the innovative schools.

(b) Establish and operate the innovative schools.

(c) Acquire property and equipment to which it shall hold title.

(d) Receive and expend funds to support the commission and the innovative schools.

(e) Determine the location of the innovative schools.

(f) Determine the program of instruction and the programs of research and experimentation to be undertaken by the innovative schools.

(g) Contract with other governmental agencies and private persons or organizations to provide or receive services, supplies, facilities and equipment.

(h) Adopt rules and regulations for its own government and for the government of the innovative schools.

Article 3. Establishment and Administration of Innovative Schools

32025. The commission shall prescribe criteria for the development of staff in each innovative school. The commission shall advertise the employment opportunities with the innovative schools and the commission, and establish appropriate employment selection procedures in which performance of the teacher in the classroom, subject matter proficiency, and theoretical knowledge is considered.

32028. Appointment to a teaching position in the innovative schools shall be limited to two years and renewable for another two years. Appointments to administrative positions shall be limited to four years and renewable for another two years.

32029. Persons employed to teach in and administer the innovative schools shall be deemed to be on leave of absence

from the school district whose employment they leave to accept employment in the innovative school, and shall retain permanent status, or credit for service toward permanent status, in such school district during their employment with the innovative schools. Such persons shall continue to be members of, and contribute to, the retirement system of which they were members at the time immediately prior to their employment in the innovative schools.

32029.5. Persons employed in the innovative schools in positions not requiring certification qualifications shall be deemed to be on leave of absence from the school district whose employment they leave to accept employment in the innovative schools, and shall retain permanent status, or credit for service toward permanent status, in such school district during their employment with the innovative schools. Such persons shall continue to be members of, and contribute to, the retirement system of which they were members at the time immediately prior to their employment in the innovative schools.

32030. The budget of each innovative school shall be developed and prepared by the administrative staff in consultation with the teachers in the school and with the advice of the commission. Approval of each school budget shall rest with the commission. The budget shall be subject to such other approvals as are required by law.

32031. The cost of transportation of pupils between the local school district and the innovative schools, to encourage attendance of pupils who are representative of the regional attendance area, may be included in budgets prepared under Section 32030.

32032. The pupils in each innovative school shall be limited to those in grades 1 through 3 They shall, as near as possible, be representative of the ethnic and socioeconomic characteristics of the regional attendance area served by the school. Efforts shall be made by the staff of the innovative school and the school districts in the regional area to inform parents and recruit pupils for attendance at the innovative school.

32033. Pupils enrolled in the innovative schools shall attend the innovative schools only one-half of the regular schoolday and one-half in the schools of the participating school district. Participating school districts and innovative schools shall cooperate in the appropriate scheduling of subjects in the schools of such district to complement the program of the innovative schools.

32034. For the purpose of computing apportionments from the State School Fund, the attendance of a pupil for any part of a schoolday in the regular day schools of the district shall be credited with one day of attendance where the pupil attended an innovative school for the remainder of such schoolday.

32035. The innovative schools shall emphasize instruction in reading and mathematics.

32036. The commission shall annually review the operation of the innovative schools as a total program, and for each school, and shall submit a comprehensive report to the Legislature on or before the fifth legislative day of each regular session. The contents of such report shall be determined jointly by the commission and the office of the Legislative Analyst.

SEC. 2. The State Board of Education in approving any state plan for the administration of federal funds to be received under the provisions of Title III of the Elementary Secondary Education Act of 1965 shall assure that in 1969–1970 an amount of five hundred twelve thousand dollars ($512,000), in 1970–1971 an amount of two million two hundred eighty-four thousand dollars ($2,284,000), and in 1971–1972 an amount of four million four hundred fifty-nine thousand dollars ($4,459,000) shall be reserved and allocated to the Educational Research Commission as an applicant for such funds, to be used by the commission for the purposes of Chapter 6 (commencing at Section 32001) of Division 22 of the Education Code.

CHAPTER 1494

An act to amend Sections 11251, 11252, 11301, 11401, 11404, and 17601.1 of, and to amend and renumber Section 11412 of, the Education Code, relating to average daily attendance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. The Superintendent of Public Instruction may authorize, for the fiscal year 1968–1969 only, an alternate method of computing average daily attendance to the method provided for in Sections 11301 and 11401 of the Education Code for regular day schools.

SEC. 1.3. The alternate method authorized by the Superintendent of Public Instruction shall require recording of attendance for each day of the school month.

SEC. 1.5. The governing board of each school district shall determine whether or not the average daily attendance for the district shall be computed by the alternate method.

SEC. 1.7. If the average daily attendance computed by the alternate method in the regular day schools of a district for the period between July 1 and June 30 exceeds the average daily attendance in the regular day schools reported in the second period report, the excess shall be brought forward to

the corresponding categories of attendance of the second period report for the next succeeding fiscal year.

SEC. 1.9. Section 11251 of the Education Code is amended to read:

11251. (a) In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served.

(b) The State Department of Education shall, in cooperation with the Department of Finance and the Legislative Analyst, conduct a study to devise a suitable method for determining the number of units of average daily attendance for a fiscal year, of pupils in grades kindergarten through 12 enrolled in elementary districts, high school districts, and unified districts. Such method shall be based upon the mean average of active enrollment figures on appropriate dates throughout the school year, multiplied by a proven percentage ratio of enrollment to average daily attendance.

If the method devised will yield approximately the same total number of average daily attendance as is now obtained by existing methods specified in this code and such method has been approved by the State Board of Education, it shall be recommended to the Legislature to be used for all computations of average daily attendance in the regular day classes of the elementary and high schools.

SEC. 2. Section 11252 of the Education Code is amended to read:

11252. Whenever for the purposes of Sections 10951 to 11653, inclusive, Sections 17151 to 18460.1, inclusive, Sections 18654 to 20251, inclusive, Sections 20501 to 21801, inclusive, and Sections 21803 to 22152, inclusive, whichever are in effect, it is necessary to compute the average daily attendance of a school of a district for any certain purpose and no provision is made for the computation thereof for such purpose, the average daily attendance of the school shall be computed by dividing the total number of days of pupil attendance by the number of days school was actually taught in the regular day schools of the district.

SEC. 3. 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.

SEC. 4. Section 11401 of the Education Code is amended to read:

11401. The average daily attendance in the high schools of a district other than evening high schools, continuation high schools, and continuation education classes, for a fiscal year are the quotient arising from dividing the total number of days of pupils' attendance in the regular day high schools, summer schools, special high school classes, and the part-time vocational courses of the district, exclusive of the number of days of pupils' attendance in the seventh and eighth grades of junior high schools, during the fiscal year by the number of days school was actually taught in the regular day schools of the district during the fiscal year.

SEC. 5. Section 11404 of the Education Code is amended to read:

11404. The units of average daily attendance for a fiscal year of pupils residing in any elementary school district and attending the seventh and eighth grades of a junior high school shall be determined separately and shall be computed by dividing the total number of days of pupils attendance in said grades by the number of days school was actually taught during the fiscal year in the regular day high schools of the district maintaining the junior high school the average daily attendance so computed shall be credited to the elementary school district in which the pupils reside.

SEC. 6. Section 11412 of the Education Code is amended and renumbered to read:

11257. Each elementary, high school, and unified school district shall report to the Superintendent of Public Instruction on forms prepared by the Department of Education in addition to all other attendance data as required, the active enrollment as of the the third Wednesday of each school month and the actual attendance on the third Wednesday of each school month; except that if such day is a school holiday, the active enrollment and actual attendance of the first immediate preceding schoolday shall be reported. "Active enrollment" on a day a count is taken means the pupils in enrollment in the regular schooldays of the district on the first day of the school year on which the schools were in session, plus all later enrollees, minus all withdrawals since that day.

SEC. 7. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent

of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, 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.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the appropriate increases and decreases in the attendance for such schools and classes for which separate state financial support is provided shall be brought forward to the appropriate attendance computation for such schools and classes on the second period report for the next succeeding fiscal year.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For junior colleges, under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day

schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

SEC. 5. For the fiscal year 1969–70, each high school and unified school district maintaining schools and classes for adults shall report to the Superintendent of Public Instruction, on forms prepared by the Department of Education, in addition to all other attendance data as required, the total number of class hours for which students are actively enrolled in each approved class maintained by the school district during the first class session of the third scheduled week of the class.

It is the intent of the Legislature in enacting this section of this act that the Department of Education shall use such data to determine if a more feasible and efficient method of attendance accounting for classes for adults may be devised which will produce approximately the same number of units of average daily attendance as under the present provisions of the Education Code. In carrying out the requirements of this section of this act, the Department of Education shall consult with the Department of Finance and the Legislative Analyst. This section of this act shall have no force or effect after June 30, 1970.

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:

As a result of a change in the method of computing the average daily attendance of school districts, effective for the 1968–1969 school year, several school districts throughout the state are recording unnaturally low attendance totals. As a result, such districts are in jeopardy of not receiving state school funds at the level anticipated. Such loss of funds will endanger the fiscal stability and educational program adequacy of the school districts resulting in educational deprivation of students. To prevent this unfortunate occurrence, and in order to permit the other computations required by this act to be operative for the entire 1969–1970 school year, it is necessary that this act take effect immediately.

CHAPTER 1495

An act to amend Sections 6252 and 6254 of, to repeal Section 6257 of, to add Section 6257 to, and to add Article 10.5 (commencing with Section 6270) to Chapter 6 of Division 6 of, the Education Code, relating to vocational education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 6252 of the Education Code is amended to read:

6252. The people of the state accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to strengthen and improve the quality of vocational education and to expand the vocational opportunities in the Nation" approved December 17, 1963, and amended October 16, 1968.

SEC. 2. Section 6254 of the Education Code is amended to read:

6254. The State Board of Education is designated as the state board to carry out the purposes and the provisions of the acts of Congress, and is given all necessary power and authority to cooperate with the United States Commissioner of Education and the United States Office of Education in the administration of the provisions of the federal acts and of this article (commencing with Section 6251).

SEC. 3. Section 6257 of the Education Code is repealed.

SEC. 4. Section 6257 is added to the Education Code, to read:

6257. The governing board of each school district participating in a vocational education program shall appoint a Vocational Education Advisory Committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of students, teachers, business, industry, labor, and school administration.

SEC. 4.5. Section 6257 is added to the Education Code, to read:

6257. The governing board of each school district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business, industry, labor, school administration, and the local office of the Department of Human Resources Development.

SEC. 5. Article 10.5 (commencing with Section 6270) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 10.5. Summer Vocational Education

6270. This article may be cited as the Summer Vocational and Technical Education Act of 1969.

6271. The Legislature finds that it is urgently necessary to reduce the continuing high level of unemployment among the youth and young adults by broadening and strengthening the existing vocational education programs to provide them with the necessary work skills in order that they will be equipped to participate in a meaningful manner in our ever increasingly technical society.

It is the intent of the Legislature by the provisions of this article to afford a means whereby school districts may broaden and strengthen the existing vocational education programs and to provide the districts with necessary financial support to enable them to implement vocational training and work programs during the summer months for the unemployed youth and young adults so that they may be trained in marketable work skills and earn such funds as may be necessary to enable them to continue their education.

6272. A program of summer vocational and technical education may be established pursuant to this article by the governing board of any school district maintaining one or more high schools. Pupils who have completed grades 9 to 12 may be permitted to participate in a program.

Summer vocational and technical education programs shall consist of training and instruction in any skills and crafts in which ample opportunities for gainful employment are to be found. The program may include work experience involving the gainful employment of pupils. The provisions of Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of the Labor Code, limiting the employment of aliens by public agencies shall not be applicable to the employment of pupils under this article.

6273. Wages earned by pupils participating in a program of summer vocational and technical education, shall be paid weekly, or, if not reasonably possible, biweekly.

6274. Any program of summer vocational and technical education established pursuant to this article shall be subject to the prior approval of the Department of Education, and no average daily attendance of pupils in such a program shall be credited to a district unless the program has been approved and is conducted pursuant to the rules, regulations, and standards prescribed by the department. School districts desiring to participate under the provisions of this article shall submit to the department applications which shall include plans for the establishment of a summer vocational and technical education program, and describing in detail its proposed content and operation.

6275. Each school district participating in the program shall submit a report annually on the conduct of its summer vocational and technical education programs, including an evaluation thereof, to the department on forms provided by the department.

6276. Upon approval by the department, the governing board of any school district may contract with and receive and expend funds from any other public or private agency, foundation, or corporation for the purposes of this article. The governing board of any school district may cooperate with public and private institutions of higher education in conducting programs pursuant to this article.

6277. The governing board of a school district whose program has been approved by the department, may, no more than 10 weeks prior to the beginning of the program for the forthcoming summer, employ sufficient staff to perform the administrative tasks necessary to implement the program.

6278. The department shall adopt such rules and regulations that are necessary to implement the provisions of this article. The rules and regulations shall include standards for the vocational and technical education programs provided for under this article.

6279. The department in cooperation with the school districts shall develop curriculums for purposes of this article.

6280. The department shall annually, on or before the 30th legislative day of the regular session of the Legislature, report to the Legislature on the operation and results of the programs established pursuant to this article, including in the report its recommendations in connection therewith.

6281. From funds appropriated by the Legislature for the purposes of this article, a school district, upon the approval of the department, shall be reimbursed for the current expense actually incurred by the district per pupil in average daily attendance participating in the program during the preceding fiscal year that is in excess of the foundation program amount for the district during such year for such pupil,

plus any other state funds or federal funds received, or to be received, for operation of the program.

SEC. 6. There is hereby appropriated to the Department of Education from the General Fund the total amount of seventy-one thousand dollars ($71,000) for expenditure for the purposes of Article 10.5 (commencing with Section 6270) of Chapter 6 of Division 6 of the Education Code during the 1970–1971 fiscal year.

SEC. 6.5. Section 6257 of the Education Code, as added by Section 4.5 of this act shall become operative only if Assembly Bill No. 1820 is enacted by the Legislature at its 1969 Regular Session and in such case, at the same time as Section 4 of Assembly Bill No. 1820 becomes operative at which time Section 6257 of the Education Code as added by Section 4 of this act is repealed.

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:

In order that the program of summer vocational and technical education contemplated by this act be developed and implemented for the summer of 1969, it is necessary that this act take effect immediately.

CHAPTER 1496

An act to add Section 14402.5 to, the Government Code, relating to the State Contract Act.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 14402.5 is added to the Government Code, to read:

14402.5. At the request and expense of the contractor and with the approval of the department, any payment withheld pursuant to Section 14402 shall be deposited with the State Treasurer or a state or federal chartered bank as the escrow agent, who shall pay such moneys to the contractor upon the placing of securities eligible for the investment of state funds under Section 16430 or bank certificates of deposit into such escrow account by the contractor.

The contractor shall be beneficial owner of any securities in an escrow account pursuant to this section and shall receive any interest thereon.

Any escrow agreement entered into pursuant to this section shall contain as a minimum, the following provisions:

(a) The amount of securities to be deposited;
(b) The terms and conditions of conversion to cash in case of the default of the contractor; and
(c) The termination of the escrow upon completion of the contract.

CHAPTER 1497

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

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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 two alternates for the chancellor and the two representatives of the Board of Governors of the California Community Colleges. 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. The representatives of the Board of Governors of the California Community Colleges shall serve for one-year terms.

CHAPTER 1498

An act to amend Sections 2105 and 2106 of, and to add Section 186.6 to, the Streets and Highways Code, relating to highway funds.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 186.6 is added to the Streets and Highways Code, to read:

186.6. There is hereby appropriated to the commission from the Motor Vehicle Fuel Fund an amount not to exceed fifty thousand dollars ($50,000) annually for work done by the department in assisting the Controller in carrying out duties imposed upon his office in reviewing, approving or modifying the expenditure of highway user funds by local agencies.

SEC. 2. Section 2105 of the Streets and Highways Code is amended to read:

2105. Not less than 20 percent of the funds received by each county under subdivisions (d), (e), and (f) of Section 2104 shall be expended for acquisition of rights-of-way for and construction of routes on the select system of county roads or city streets for such county established as provided in Section 186.3.

SEC. 3. Section 2106 of the Streets and Highways Code is amended to read:

2106. A sum equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be apportioned monthly from the Highway Users Tax Fund among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be apportioned to each city and city and county and eight hundred dollars ($800) per month shall be apportioned to each county and city and county.

(b) The balance shall be apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are established for purposes of apportionment of funds under subdivision (d) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the State Controller by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be apportioned to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 2107 are to be used for purposes of this section.

No apportionment shall be made to any city or county which does not have a select system established in accordance with the provisions of Section 186.3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

CHAPTER 1499

An act to add Sections 26822.3 and 72056.1 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 26822.3 is added to the Government Code, to read:

26822.3. In addition to, and at the same time, as fees are collected pursuant to Sections 26821, 26821.2, 26826, 26826.2, and 26827, a fee of two dollars ($2) shall be collected.

The funds shall be transmitted at the end of each month to the State Controller for payment into the Judges' Retirement Fund.

SEC. 2. Section 72056.1 is added to the Government Code, to read:

72056.1. In addition to, and at the same time, as fees are collected pursuant to Sections 72055 and 72056, a fee of one dollar ($1) shall be collected.

The funds shall be transmitted at the end of each month to the State Controller for payment into the Judges' Retirement Fund.

CHAPTER 1500

An act to add Section 789.5 to the Civil Code, relating to tenancies.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 789.5 is added to the Civil Code, to read:

789.5. No tenancy or other estate at will or lease, however created on or after the effective date of this section, in a mobilehome park may be terminated except upon the landlord's giving notice in writing to the tenant, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to remove from the premises within a period of not less than 60 days, to be specified in the notice. No lease shall contain any provision by which the tenant waives his rights under this section, and any such waiver shall be deemed contrary to public policy and shall be unenforceable and void. However, any lease may provide that the tenancy may be terminated upon the landlord's giving notice in writing to the tenant, in such prescribed manner, to remove from the premises within a period of more than 60 days, to be specified in the notice.

This section shall only apply to mobilehomes or trailer coaches which are required to be moved under permit.

This section shall not affect any rights or proceedings set forth in Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure.

CHAPTER 1501

An act to add Chapter 6.8 (commencing with Section 6499.51) to Division 6 of the Education Code, relating to the Elementary and Secondary School Dropout Prevention Act of 1969.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Chapter 6.8 (commencing with Section 6499.51) is added to Division 6 of the Education Code, to read:

CHAPTER 6.8. THE ELEMENTARY AND SECONDARY SCHOOL DROPOUT PREVENTION ACT OF 1969

6499.51. This chapter shall be known and may be cited as the Elementary and Secondary School Dropout Prevention Act of 1969.

6499.52. It is the intention of the Legislature that programs be established to reduce the number of children who do not complete their elementary and secondary education. Such programs are to be designed to develop and demonstrate effective educational practices for the reduction and prevention of dropouts in urban and rural schools with high concentrations of children from low income families and with high dropout rates.

It is also the intention of the Legislature that all district, state, and federal programs related to dropout prevention be integrated and coordinated with the dropout prevention programs created by this chapter.

6499.53. As used in this chapter:

(a) "Dropout" means a person who withdraws from school enrollment, or is excluded from school by suspension or expulsion before completing his elementary and secondary school education.

(b) "Program" means an Elementary and Secondary School Dropout Prevention Program established pursuant to this chapter.

6499.54. Any school district may apply to establish a dropout prevention program. The application shall be submitted to the State Board of Education and shall contain a detailed plan which shall include all of the following:

(a) A description of the dropout prevention program proposed including the innovative methods system, materials, or programs and performance objectives to be utilized which show promise of reducing the numbers of elementary and secondary children who do not complete their education.

(b) A description of the procedures to be established to coordinate the development and operation of programs with other local, state, and federal dropout prevention programs and with other public and private programs having the same or a similar purpose.

(c) A description of the evaluative techniques and objective measures to be utilized by the applicant school district to determine the reduction in the numbers of children who drop out of, or are excluded from, educational programs prior to achieving a proficiency required for graduation from high school.

(d) A description of the proposed educational and administrative staffing of the program.

(e) A description of the steps taken in the development of the proposed program including involvement of potential participants and their families.

(f) Evidence that the district has examined its existing dropout prevention programs supported from local, state, and federal funds with the Elementary and Secondary School Dropout Prevention Programs authorized by this chapter, and evidence that the district intends to integrate such effective programs into the programs authorized by this chapter to increase its overall expenditure for dropout prevention programs.

6499.55. In approving applications for program approval pursuant to this chapter, the State Board of Education shall give priority to the acceptable applications from (1) districts with the highest concentrations of children from families with an annual income of four thousand dollars ($4,000) or less, and (2) districts which exceed the average statewide dropout rate.

6499.56. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this chapter.

6499.57. School districts which have dropout prevention programs shall report to the State Board of Education the effectiveness of programs in reducing the number of school dropouts. The State Board of Education, on the basis of such reports, shall report annually to the Legislature on the success of the program and shall make recommendations to improve the program.

6499.58. Not later than 1972–73 fiscal year, the State Board of Education shall distribute a description of the results achieved in the exemplary programs conducted. Comprehensive information regarding such exemplary programs shall be distributed to each school district of the state. The cost of preparing and distributing such information shall be financed from funds allowed under Title III of the Elementary and Secondary Education Act of 1965.

6499.59. The State Board of Education shall establish procedures for allocating funds to support the dropout prevention programs authorized by this chapter.

6499.60. There is, within the Office of Compensatory Education, a unit of Elementary and Secondary School Dropout Prevention which shall administer the provisions of this chapter and all programs financed under the provisions of Title VIII of the Elementary and Secondary Act of 1965 (Public Law 89-10, as amended).

6499.61. The State Board of Education shall approve the allocation of all funds annually received by the State of California under the provisions of Title VIII of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, as amended) for the purposes specified in this chapter.

CHAPTER 1502

An act to amend Section 1773.1 of the Labor Code, relating to wages.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 1773.1 of the Labor Code is amended to read:

1773.1. Per diem wages shall be deemed to include employer payments for health and welfare, pension, vacation, apprenticeship or other training programs authorized by Section 3093, and similar purposes, when the term "per diem wages" is used in this chapter or in any other statute applicable to public works.

For the purpose of determining such per diem wages for contracts entered into with the state, the representative of any craft, classification or type of workman needed to execute the contracts entered into with the state shall file with the Department of Industrial Relations fully executed copies of the collective bargaining agreements for the particular craft, classification or type of work involved. Such agreements shall be filed within 10 days after their execution and thereafter may be taken into consideration pursuant to Section 1773 whenever filed 30 days prior to the call for bids.

CHAPTER 1503

An act to amend Section 13187 of, and to add Sections 13124.6, 13124.7, and 13188.5 to, the Education Code, relating to teaching credentials.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. The Legislature hereby reaffirms its conviction that skillfully guided early learning experiences for young children are important to their ultimate mastery of reading, arithmetic, and other essential learnings. Therefore, the Legislature seeks, by this act, to increase the opportunities for teachers of young children by strengthening their preparation.

Present qualifications for credentialed teachers of young children are the same as for teachers of kindergarten and grades 1 through 9, inclusive. Because important special insights and skills are needed, it is essential that prospective credentialed teachers of young children focus their preparations more sharply. Therefore, a standard teaching credential is hereby established for teachers of young children.

The Legislature intends by establishing this credential to encourage teacher education institutions to develop specific programs for the preparation of teachers of young children. These programs should provide opportunity for credential candidates to focus their professional preparation upon the special skills and insights needed for appropriate teaching of young children and for working with their parents.

It is not the intent of the Legislature that this act shall be construed so as to interfere with or contravene provisions for Children's Center Permits.

It is the intent of the Legislature that persons holding Children's Center Permits may move toward fulfilling the requirements for this credential with maximum transferability of units from lower division work. Further, it is the intent of the Legislature to allow the use of appropriate experience in early childhood teaching to be used in lieu of any student teaching requirement or other experience required for the credential pursuant to the law.

Articulation of programs leading to a Children's Center Permit with programs leading to a standard teaching credential with a specialization in early childhood teaching is essential in meeting the purposes of this act. It is the intent of the Legislature that the Coordinating Council for Higher Education and the Commission for Teacher Preparation and Licensing (or the State Board of Education, if Assembly Bill 740 of the 1969 session of the Legislature is not enacted), develop an articulation plan which will achieve these purposes. The council and the commission shall report on this program to the Legislature by the fifth legislative day of the 1971 Regular Session.

SEC. 2. Section 13188.5 is added to the Education Code, to read:

13188.5. The minimum requirements for the standard teaching credential with a specialization in early childhood teaching shall be the requirements set forth in Section 13189 for the standard teaching credential with a specialization in elementary teaching, except that the State Board of Education in implementing subdivision (e) of Section 13189 for this credential shall adopt regulations which focus upon preparation to teach young children. These regulations shall be such that a variety of programs may be developed by teacher preparation institutions, subject to accreditation criteria and processes and to the provisions of this code.

The standard teaching credential with a specialization in early childhood teaching authorizes the following service:

(a) Teaching in preschool, prekindergarten, kindergarten, and grades 1 through 3, inclusive.

(b) Teaching any subjects in classes organized primarily for adults.

(c) Teaching in preschool, prekindergarten, kindergarten, and grades 1 through 12, inclusive, any courses in an area of specialized preparation listed on the credential.

(d) Serving as a librarian in an elementary school, junior high school, or high school, if the specialized area of librarianship is listed as a minor on the credential.

(e) Teaching elementary level reading in continuation education classes, continuation high schools, or high schools.

SEC. 3. Section 13187 of the Education Code is amended to read:

13187. Except as otherwise provided in Sections 13187.1, 13117, 13118, 13119, 13271, 13185, 13149, 13150, 13151, 13152, 13197.5, and 13292, the State Board of Education shall, on and after the operative date of this article, issue only the following five types of credentials:

(a) A standard teaching credential with specializations in early childhood teaching, elementary teaching, secondary teaching, or junior college teaching.

(b) A standard designated subjects teaching credential.

(c) A standard designated services credential.

(d) A standard supervision credential.

(e) A standard administration credential.

SEC. 4. Section 13187 of the Education Code is amended to read:

13187. Except as otherwise provided in Sections 13187.1, 13117, 13118, 13119, 13271, 13185, 13149, 13150, 13151, 13152, 13197.5, and 13292, the State Board of Education shall, on and after the operative date of this article, issue only the following five types of credentials:

(a) A standard teaching credential with specializations in early childhood teaching, elementary teaching or secondary teaching.

(b) A standard designated subjects teaching credential.

(c) A standard designated services credential.

(d) A standard supervision credential.

(e) A standard administration credential.

SEC. 5. Section 13124.6 is added to the Education Code, to read:

13124.6. The Legislature hereby reaffirms its conviction that skillfully guided early learning experiences for young children are important to their ultimate mastery of reading, arithmetic, and other essential learnings. Therefore, the Legislature seeks, by this act, to increase the opportunities for teachers of young children by strengthening their preparation.

Present qualifications for credentialed teachers of young children are the same as for teachers of kindergarten and grades 1 through 9, inclusive. Because important special insights and skills are needed, it is essential that prospective credentialed teachers of young children focus their preparations more sharply. Therefore, a standard teaching credential is hereby established for teachers of young children.

The Legislature intends by establishing this credential to encourage teacher education institutions to develop specific programs for the preparation of teachers of young children. These programs should provide opportunity for credential candidates to focus their professional preparation upon the special skills and insights needed for appropriate teaching of young children and for working with their parents.

It is not the intent of the Legislature that this section and Section 13124.7 shall be construed so as to interfere with or contravene provisions for Children's Center Permits.

It is the intent of the Legislature that persons holding Children's Center Permits may move toward fulfilling the requirements for this credential with maximum transferability of units from lower division work. Further, it is the intent of the Legislature to allow the use of appropriate experience in early childhood teaching to be used in lieu of any student teaching requirement or other experience required for the credential pursuant to the law.

Articulation of programs leading to a Children's Center Permit with programs leading to a standard teaching credential with a specialization in early childhood teaching is essential in meeting the purposes of this act. It is the intent of the Legislature that the Coordinating Council for Higher Education and the commission develop an articulation plan which will achieve these purposes. The council and the commission shall report on this program to the Legislature by the fifth legislative day of the 1971 Regular Session.

SEC. 6. Section 13124.7 is added to the Education Code, to read:

13124.7. An early childhood teaching credential authorizing instruction in preschool, prekindergarten, kindergarten, and grades 1 to 3, inclusive, shall be offered by the commission pursuant to subdivision (c) of Section 13124.

The commission shall develop criteria for the credential, including the objective examination required of, or appropriate waivers thereof, candidates for the credentials.

SEC. 7. It is the intent of the Legislature, if amendments to Section 13187 of the Education Code proposed by this bill and A.B. 1910 are enacted, that both amendments be given effect and incorporated in Section 13187 in the form set forth in Section 4 of this act. Therefore, in the event A.B. 1910 is enacted and amends Section 13187, Section 4 of this act shall become operative, and at that time, Section 13187 of the Education Code as amended by Section 3 of this act is repealed.

SEC. 8. It is the intent of the Legislature that if Assembly Bill No. 740 of the 1969 Regular Session of the Legislature is enacted, Sections 13124.6 and 13124.7 of the Education Code as added by Sections 5 and 6 of this act shall become operative at such time as determined by the Commission for Teacher Preparation and Licensing, but no later than January 1, 1971,

and at that time, Section 1, and Sections 13188.5, and 13187 of the Education Code as enacted by Sections 2 to 4, inclusive, of this act, are repealed.

CHAPTER 1504

An act to add Chapter 7.4 (commencing with Section 25660) to Division 20 of the Health and Safety Code, relating to radiation.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Chapter 7.4 (commencing with Section 25660) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 7.4. RADIOLOGIC TECHNOLOGY

Article 1. Declaration of Policy

25660. The Legislature finds and declares that the public health interest requires that the people of this state be protected from excessive and improper exposure to ionizing radiation. It is the purpose of this chapter to establish standards of education, training, and experience for persons who use X-rays on human beings and to prescribe means for assuring that these standards are met.

Article 2. Definitions

25661. As used in this chapter:

(a) "Department" means the State Department of Public Health.

(b) "Board" means the State Board of Public Health.

(c) "Committee' means the Radiologic Technology Certification Committee.

(d) "Radiologic technology" means the application of X-rays on human beings for diagnostic or therapeutic purposes.

(e) "Radiologic technologist" means any person other than a licentiate of the healing arts making application of X-rays to human beings for diagnostic or therapeutic purposes pursuant to subdivision (b) of Section 25668.

(f) "Limited permit" means a permit issued pursuant to subdivision (c) of Section 25668 to persons to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body.

(g) "Approved school for radiologic technologists" means a school which the department has determined provides a

course of instruction in radiologic technology which is adequate to meet the purposes of this chapter.

(h) "Supervision" means responsibility for, and control of, quality, radiation safety, and technical aspects of all X-ray examinations and procedures.

(i) "Licentiate of the healing arts" means a person licensed under the provisions of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code who possesses a certificate issued under the provisions of Section 2135 of such code, and a person licensed under the provisions of the initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation thereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, as amended, or under the "Osteopathic Act."

(j) "Certified supervisor or operator" means a licentiate of the healing arts who has been certified under the provisions of subdivision (e) of Section 25668, Section 25699.1, or Section 25699.2, to supervise the operation of X-ray machines or to operate X-ray machines, or both.

Article 3. Radiologic Technology Certification Committee

25663. The State Board of Public Health shall appoint a certification committee to assist, advise, and make recommendations for the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter, and for those purposes to serve as consultants to the department. The appointments shall be made from lists of at least three nominees for each position submitted by appropriate professional associations and societies designated by the Director of Public Health, and provisions shall be made for orderly rotation of membership.

25664. The committee shall consist of the director or his designate, who shall serve as chairman ex officio, but who shall not vote, and the following nine members who are residents of the state:

(1) Five physicians and surgeons licensed to practice medicine in this state, three of whom shall be certified in radiology by the American Board of Radiology. At least one of the radiologists shall be representative of the hospital practice of radiology.

(2) Two persons with at least five years' experience in the practice of radiologic technology. At least one of these persons shall be representative of the hospital practice of radiologic technology. Except for the appointment of these two persons to the first committee, every such person thereafter appointed to the committee under the provisions of this subdivision shall be certified as a radiologic technologist.

(3) One radiological physicist, qualified in the use of physics in the practice of medicine.

(4) One licentiate of the healing arts who is not a physician or surgeon.

25665. Members of the committee shall serve without compensation but shall receive their actual and necessary expenses incurred in the performance of the duties of their office.

Article 4. Administration and Regulations

25668. The board shall:

(a) Upon recommendation of the committee, adopt such regulations as may be necessary to accomplish the purposes of this chapter.

(b) Provide for certification of radiologic technologists, without limitation as to procedures or areas of application, except as provided in Section 25673. Separate certificates shall be provided for diagnostic and for therapeutic radiologic technology.

(c) Provide, as may be deemed appropriate, for granting limited permits to persons to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body, prescribe minimum standards of training and experience for such persons, and prescribe procedures for examining applicants for such limited permits. The minimum standards shall include a requirement that persons granted limited permits under this subdivision shall meet such fundamental requirements in basic radiological health training and knowledge similar to those required for persons certified under subdivision (b) of this section as the board determines are reasonably necessary for the protection of the health and safety of the public.

(d) Provide for the approval of schools for radiologic technologists.

(e) Provide, upon recommendation of the committee, for certification of licentiates of the healing arts to supervise the operation of X-ray machines or to operate X-ray machines, or both, prescribe minimum standards of training and experience for such licentiates of the healing arts, and prescribe procedures for examining applicants for certification. Such certification may limit the use of X-rays to certain X-ray procedures and the application of X-rays to specific areas of the human body.

(f) Upon recommendation of the committee, exempt from certification requirements licentiates of the healing arts who have successfully completed formal courses in schools certified by the board and who have successfully passed a roentgenology technology and radiation protection examination approved by the board and administered by the board which issued his license.

25669. Any rules and regulations adopted by the board pursuant to subdivision (a) of Section 25668 shall be adopted

only after consultation with and approval of the committee. Approval of such rules and regulations shall be made by five affirmative votes of those present at an official meeting of the committee.

25670. The department shall, upon individual application, grant special permits to persons, excepting such persons from specific provisions of this chapter or of the rules and regulations issued thereunder, if the department finds to its satisfaction that there is substantial evidence that the people in the locality of this state, in which such exemption is sought, would be denied adequate medical care because of unavailability of certified or certifiable radiologic technologists. Such special permits shall be granted for limited periods of time to be prescribed by the department in accordance with the purposes of this chapter, and such permits may be renewed.

Article 5. Certification in Radiologic Technology

25671. It shall be unlawful for any person to administer or use diagnostic or therapeutic X-ray on human beings in this state after July 1, 1971, unless such person has been certified or granted a permit pursuant to subdivision (b) or (c) of Section 25668 or pursuant to Section 25670, is acting within the scope of such certification or permit, and is acting under the supervision of a licentiate of the healing arts.

25672. The provisions of Section 25671 shall not apply to any of the following persons:

(a) Licentiates of the healing arts.

(b) Students in an approved school for radiologic technologists and in schools of medicine, podiatry or chiropractic when such students are operating X-ray machines under the supervision of an instructor who is a certified radiologic technologist or a certified supervisor or operator; and students of dentistry, dental hygiene and dental assisting when such students are operating X-ray machines under the supervision of an instructor who is a licensed dentist.

(c) Any person employed by an agency of the government of the United States while performing the duties of such employment.

(d) Persons temporarily exempted pursuant to Section 25680.

(e) A licensed dentist; or person who, under the supervision of a licensed dentist, operates only dental radiographic equipment for the sole purpose of oral radiography. This subdivision shall be operative only if Senate Bill 1379 of the 1969 Regular Session of the Legislature is enacted and provides for the examination of such licensed dentist or person in radiation safety.

(f) A person who has been certified or granted a limited permit pursuant to subdivision (b) or (c) of Section 25668 and who performs dental radiography in a dental X-ray laboratory upon the written order of a licensed dentist.

25673. Certification in radiologic technology pursuant to Section 25668 shall not authorize any of the following:

(a) The use of diagnostic or therapeutic X-ray equipment except under the supervision of a certified supervisor or operator.

(b) The interpretation of any radiograph or a diagnosis based upon it.

(c) The reporting of any diagnosis to a patient except as ordered by a licentiate of the healing arts.

(d) The use of any title or designation indicating or implying the right to practice any of the healing arts.

25674. A radiologic technologist certified pursuant to subdivision (b) of Section 25668 may use the title, certified radiologic technologist (CRT). No other person shall use such designation. The department may prescribe appropriate titles for use by categories of persons granted permits pursuant to subdivision (c) of Section 25668 and may limit the use of such titles.

25675. The department shall prescribe minimum qualifications for granting of permits and certificates in radiologic technology in any classification.

25676. Except as provided in Sections 25683, 25684, or 25685, and in addition to such requirements as may be prescribed pursuant to Section 25675, each applicant for certification as a radiologic technologist pursuant to subdivision (b) of Section 25668 shall submit evidence satisfactory to the department that he has satisfactorily completed a course in an approved school for radiologic technologists, or has completed a course of study and training in radiologic technology which in the opinion of the department is equivalent to the minimum requirements of a course in an approved school for radiologic technologists.

25677. Except as provided in Section 25683, in order to be certified as a radiologic technologist pursuant to subdivision (b) of Section 25668, an applicant shall pass a written examination approved by the department and administered by the department or by such other agency or organization designated by the department.

25678. The department may accept in lieu of its own examination a certificate of another agency or organization which certifies radiologic technologists, provided the certificate was issued on the basis of qualifications and an examination deemed by the department to be reasonably equivalent to the standards established by the department.

25679. The department shall certify as a radiologic technologist any applicant who meets the requirements of this chapter.

25680. The department may issue a permit authorizing the temporary practice of radiologic technology to any applicant for certification who has complied with the experience and education requirements of Section 25676, 25683, 25684, or

25685, and is awaiting examination. A permit shall convey the same rights as a certificate for the period for which it is issued in the classification for which the applicant is eligible, and shall be valid until 90 days after the date of the next examination held pursuant to Section 25681, except that if the applicant does not take such examination the permit shall expire on the date of such examination.

25681. The department shall hold at least one examination each year, for applicants for certification, at such times and places as the department may determine.

25682. Not less than two months prior to the date of each examination, the department shall cause a notice thereof to be published in two or more newspapers of general circulation, and at least one radiologic technologist magazine, all of which are published within the state.

Article 6. Certification of Prior Qualified Personnel

25683. Applicants for certification as radiologic technologists who have been engaged for a period of at least five years immediately prior to January 1, 1971, in the practice of radiologic technology need not meet the requirements of Section 25676, relating to education, nor the requirements of Section 25677, relating to a written examination, but instead shall, in order to become certified, pass a practical examination administered by the department.

25684. Applicants for certification as radiologic technologists who have been engaged in the practice of radiologic technology for a period of less than five years but more than one year preceding January 1, 1971, need not meet the requirements of Section 25676, relating to education but, in order to become certified shall pass a written examination as required by Section 25677 and a practical examination administered by the department.

25685. Applicants for certification as radiologic technologists who have satisfactorily completed a formal course of radiologic technology of at least 12 months' duration in which the applicant was enrolled before January 1, 1971, need not meet the requirements of Section 25676.

Article 7. Schools for Radiologic Technologists

25686. (a) The department shall approve schools for radiologic technologists which, in the judgment of the department, will provide instruction adequate to prepare individuals to meet requirements for certification as radiologic technologists under this chapter.

(b) The department shall provide for reasonable standards for approved schools, for procedures for obtaining and maintaining approval, and for revocation of approval where standards are not maintained.

25687. When approving a school for radiologic technologists, the department may take into consideration accreditation, approval, or certification of the school by other agencies or organizations if the department finds that such accreditation, approval, or certification was granted on the basis of standards that will afford the same protection to the public as the standards provided by this chapter or the regulations promulgated under it.

25688. The department may inspect schools for radiologic technologists prior to approval and at such other times as it deems necessary to determine that the purposes of this chapter are being met, and may require any reports from such schools as it deems necessary to carry out the purposes of this chapter.

25689. The department may enter into an agreement with another state agency to perform all or part of the functions necessary in order to approve and maintain approval of schools for radiologic technologists.

Article 8. Disciplinary Action

25690. Every holder of a certificate or a permit issued pursuant to this chapter may be disciplined as provided in this article. 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 department shall have all of the powers granted therein.

25691. Certificates and permits may be denied, revoked, or suspended by the department, for any of the following reasons:

(a) Habitual intemperance in the use of any alcoholic beverages, narcotics, or stimulants to such an extent as to incapacitate for the performance of professional duties.

(b) Incompetence or gross negligence in performing radiologic technology functions.

(c) Conviction of practicing one of the healing arts without a license in violation of Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code.

(d) Procuring a certificate or permit by fraud, or misrepresentation, or because of mistake.

(e) Use of a designation implying certification as a radiologic technologist by one not so certified.

(f) Nonpayment of fees prescribed in accordance with Section 25694.

(g) Violation of the provisions of Section 25671 or 25673, or any other provision of this chapter or regulation of the department.

Article 9. Penalties

25692. Any person who violates any of the provisions of this chapter or regulation of the department adopted pursuant to this chapter is guilty of a misdemeanor.

Article 10. Fees

25694. (a) The application fee for any certificate or permit issued pursuant to this chapter shall be fixed by the board in such amount as it deems reasonably necessary to carry out the purpose of this chapter, not to exceed twenty-five dollars ($25).

(b) The fee for any examination conducted pursuant to this chapter after failure of such an examination within the previous 12 months shall be fixed by the board in an amount it deems reasonably necessary to carry out the provisions of this chapter, not to exceed fifteen dollars ($15).

(c) The annual renewal fee for each certificate or permit shall be fixed by the board in an amount it deems reasonably necessary to carry out the provisions of this chapter, not to exceed ten dollars ($10).

(d) The penalty fee for renewal of any certificate or permit if application is made after its date of expiration shall be five dollars ($5) and shall be in addition to the fee for renewal prescribed by subdivision (c).

(e) The fee for a duplicate certificate or permit shall be one dollar ($1).

(f) No fee shall be required for a certificate or permit or a renewal thereof except as prescribed in this chapter.

25695. Failure to pay the annual fee for renewal on or before the expiration date of the certificate or permit shall automatically suspend the certificate or permit. If the prescribed fee is not paid within six months following such date, the certificate or permit shall be revoked. A certificate or permit revoked for nonpayment of the renewal fee may be reinstated within five years from the time of revocation upon payment of the penalty fee plus twice the annual renewal fee. If the application for reinstatement is not made within five years from the date of suspension of the certificate or permit, the certificate or permit shall be canceled and shall not be subject to reinstatement.

25696. The board may establish a schedule of fees for permits issued pursuant to subdivisions (c) and (e) of Section 25668, Sections 25670, 25699.1, and 25699.2, provided that such fees do not exceed the maximum authorized in Section 25694, and further provided that the revenue from such fees shall be related to the costs of administering the provisions of this chapter.

25697. The board may establish a schedule of fees to be paid by schools applying for approval as approved schools for radiologic technologists and, on an annual basis, by schools which are included on the department's list of approved schools for radiologic technologists. Such fees shall not exceed ten dollars ($10) per year per registered student.

25698. All fees payable under the provisions of this chapter shall be collected by and paid to the department. All such

moneys shall be deposited by the department in the General Fund in the State Treasury. The revenue derived from such fees shall when appropriated by the Legislature be used, together with such other funds as may be appropriated therefor, to carry out the purposes of this chapter.

Article 11. Miscellaneous Provisions

25699. It shall be unlawful for any licentiate of the healing arts to administer or use diagnostic or therapeutic X-ray on human beings in this state after January 1, 1972, unless such person is certified pursuant to the provisions of subdivision (e) of Section 25668 or Section 25670, and is acting within the scope of such certification.

25699.1. A licentiate of the healing arts who is certified by an examining board in radiology recognized by the department shall be granted a certificate to supervise the operation of X-ray machines and to operate X-ray machines without restrictions.

25699.2. A licentiate of the healing arts who prior to July 1, 1971, operated or supervised the operation of a source of ionizing radiation possessed by a person or persons properly registered by the department as a possessor of such a source of ionizing radiation shall be granted a certificate by the department to continue such operation or supervision.

SEC. 2. This chapter shall be operative only until the 61st day after final adjournment of the 1975 Regular Session of the Legislature and on and after such date shall have no force or effect.

CHAPTER 1505

An act to add Section 11211 to the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 11211 is added to the Welfare and Institutions Code, to read:

11211. Rehabilitation or employment training or job placement made pursuant to any program of rehabilitation or job development and placement operated by a county welfare department or by any state agency shall not be considered completed, and the recipient shall be considered to remain unemployed, until such time as the recipient receives from his earnings an income equivalent to the amount of income which he and his family are entitled to receive pursuant to provisions of this chapter.

This section shall be operative only on a demonstration project basis in a single, urban county selected by the department, and only during such time as the Secretary of Health, Education and Welfare has waived compliance with Section 402 of the Social Security Act as permitted by Section 1115 of that act.

CHAPTER 1506

An act to amend Section 830.4 of the Penal Code, relating to peace officers.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 830.4 of the Penal Code is amended to read:

830.4. (a) The following persons are peace officers while engaged in the performance of the duties of their respective employments:

(1) Security officers of the California State Police Division.

(2) The Sergeant at Arms of each house of the Legislature.

(3) Bailiffs of the Supreme Court and of the courts of appeal.

(4) Guards and messengers of the Treasurer's office.

(5) The Director of the Department of Harbors and Watercraft and employees of such department designated by him pursuant to Section 71.2 of the Harbors and Navigation Code.

(6) Members of a state college police department appointed pursuant to Section 24651 of the Education Code.

(7) The hospital administrator of a state hospital under the jurisdiction of the Department of Mental Hygiene and police officers designated by him pursuant to Section 4312 of the Welfare and Institutions Code.

(8) Any railroad or steamboat company policeman commissioned by the Governor pursuant to Section 8226 of the Public Utilities Code.

(9) Persons designated by a cemetery authority pursuant to Section 8325 of the Health and Safety Code.

(10) Harbor policemen regularly employed and paid as such by a county, city, or district, and the port warden and special officers of the Harbor Department of the City of Los Angeles. However, notwithstanding the provisions of Section 171c, 171d, or 12027, such persons are not peace officers for purposes of such sections except when designated by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution, either individually or by class, as peace officers for such purposes.

(11) Special officers of the Department of Airports of the City of Los Angeles commissioned by the city police commission.

(12) The chief of toll services, captains, lieutenants, and sergeants employed by the Department of Public Works on vehicular crossings pursuant to Chapter 13 (commencing with Section 23250) of Division 11 of the Vehicle Code.

(13) Persons employed as members of a security patrol of a school district pursuant to Section 15832 of the Education Code.

(b) The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed with respect to persons or property the protection of which is the immediate duty of such officer.

SEC. 2. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits.

CHAPTER 1507

An act to amend Section 68203 of the Government Code, relating to judges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 68203 of the Government Code is amended to read:

68203. In addition to the increase provided under this section on September 1, 1968, on the effective date of the 1969 amendments to this section and on September 1 of each year thereafter the salary of each justice and judge named in Sections 68200 to 68202, inclusive, shall be increased by that amount which is produced by multiplying the then current salary of each justice or judge by the percentage by which the figure representing the California consumer price index as compiled and reported by the California Department of Industrial Relations has increased in the previous calendar year.

CHAPTER 1508

An act to amend Section 23731a of, and to add Section 23774 to, the Revenue and Taxation Code, relating to the Bank and Corporation Tax Law, to take effect immediately, tax levy.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 23731a of the Revenue and Taxation Code is amended to read:

23731a. The tax imposed under Section 23731 shall apply in the case of any organization which is exempt, except as provided in this article, from taxation under this part by reason of Sections 23701a, 23701d, 23701e or 23701n. Such taxes shall also apply to an organization described in Section 23701h if the income is payable to an organization which itself is subject to the tax imposed under Section 23731 or to a church or to a convention or association of churches.

SEC. 2. Section 23774 is added to the Revenue and Taxation Code, to read:

23774. Every organization exempt from filing an annual information return by reason of subdivisions (a), (b), (c) and (d) of Section 23772, may be required to file an annual statement on or before the 15th day of the fifth calendar month following the close of the income year setting forth in such a manner as may be required by the Franchise Tax Board the following information: the name and address of the organization, its major activities, its sources of income and the section of the Internal Revenue Code under which it is exempt.

SEC. 3. The provisions of this act effecting changes in the computation of taxes shall apply to income years beginning on and after January 1, 1970. The other provisions shall apply on and after the effective date of this act.

SEC. 4. Section 1 of this act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 1509

An act to amend Section 15606 of the Government Code, to amend Sections 4336 and 4337 of, and to repeal Chapter 3 (commencing with Section 3475) of Part 6 of Division 1 of, and Article 3 (commencing with Section 4250) of Chapter 3 of Part 7 of Division 1 of, the Revenue and Taxation Code, and to amend Section 2 of Chapter 771 of the Statutes of the 1968 Regular Session of the Legislature, relating to property taxes.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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 State Board of Equalization shall not prescribe rules and regulations to govern local boards of equalization when equalizing and assessors when assessing with respect to the assessment and equalization of possessory interest until the lien date in 1971.

The provisions of this section are mandatory.

SEC. 2. Chapter 3 (commencing with Section 3475) of Part 6 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 3. Article 3 (commencing with Section 4250) of Chapter 3 of Part 7 of Division 1 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 4336 of the Revenue and Taxation Code is amended to read:

4336. 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 requires 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.

SEC. 5. Section 4337 of the Revenue and Taxation Code is amended to read:

4337. 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 requires 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.

SEC. 6. Section 2 of Chapter 771 of the Statutes of the 1968 Regular Session of the Legislature is amended to read:

Sec. 2. In amending Section 15606 of the Government Code by this act, the Legislature declares that rules adopted relating to the taxability and valuation of possessory interest in publicly owned land shall be uniform and relate to all possessory interests, rather than prescribing rules for only one category of possessory interests. The State Board of Equalization is directed between the effective date of the act and February 28, 1971, to develop comprehensive rules relating to all types of possessory interests, factors which make such interests subject to taxation and factors relevant to the valuation of such interests.

CHAPTER 1510

An act making an appropriation for a study of community water supplies, relating to water.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. The sum of sixty-nine thousand eight hundred seventy-five dollars ($69,875) is hereby appropriated from the General Fund to the State Department of Public Health in augmentation of Item 160 of the Budget Act of 1969 (Chapter 355, Statutes 1969) to be expended during the 1969–1970 fiscal year for a study of the community water supplies within the area of Delano, California; provided that the appropriation made by this act shall be available for expenditure only after the Director of Public Health has certified to the Department of Finance that sufficient federal funds are not available for the study.

CHAPTER 1511

An act to amend Section 830.3 of the Penal Code, relating to peace officers.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where 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 of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Professional and Vocational

Standards are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Members of the University of California police department appointed pursuant to Section 23501 of the Education Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 23501 of the Education Code.

(k) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(*l*) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(m) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(o) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(p) The authority of any peace officer listed in subdivisions (c) through (o), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer

only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender; or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

SEC. 2. It is the intent of the Legislature that the changes effected by this legislation shall serve only to define peace officers, the extent of their jurisdiction, and the nature and scope of their authority, powers and duties, and that there be no change in the status of individual peace officers or classes of peace officers for purposes of retirement, workmen's compensation or similar injury or death benefits, or other employee benefits. It is also the intent of the Legislature that the inclusion of the members of a fire department of a local agency, regularly paid and employed as such, within the definition of peace officers shall not make Section 3508 of the Government Code applicable to them to any greater extent than it was applicable to them prior to the effective date of this act.

CHAPTER 1512

An act to add Division 4.5 (commencing with Section 3600) to Title 1 of, and to repeal Section 8923 of, the Government Code, relating to conflicts of interest.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Division 4.5 (commencing with Section 3600) is added to Title 1 of the Government Code, to read:

DIVISION 4.5. CONFLICTS OF INTEREST

CHAPTER 1. GENERAL PROVISIONS

3600. The Legislature finds and declares as follows:

(a) The people have a right to expect from their elected and appointed representatives at all levels of government assurances of the utmost in integrity, honesty and fairness in their dealings;

(b) The people further have a right to be assured to the fullest extent possible that the private financial dealings of their governmental representatives, and of candidates for those offices, present no conflict of interest between the public trust and private gain; and

(c) The representative form of government is founded upon a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

To these ends, the Legislature enacts this division. The Legislature hereby intends to sustain, to the extent necessary, public confidence in government at all levels, by assuring the people of the impartiality and honesty of their officials in all governmental transactions and decisions.

The provisions of this division are to be construed liberally, to the end that the public interest be fully protected.

3601. As used in this division, the term "public agency" means the state, a city, a county, a city and county, or a district, or any subdivision, department, board, commission, body or agency of the foregoing; and includes any public corporation or public authority. The term "public agency" does not include a commission or board the functions of which are purely advisory in nature.

3602. As used in this division, the term "corporation" does not include a charitable corporation which qualifies for exemption from the corporation tax under Section 23701d of the Revenue and Taxation Code.

3603. As used in this division, the term "investments" means real property held for income or gain, and does not include a home or property used primarily for personal or recreational purposes.

3604. As used in this division, the term "ownership of shares" and the term "investments," respectively, include shares and investments owned by either spouse or by a minor child thereof, by a corporation in which the ownership of shares exceeds 25 percent, or by a trust under which either spouse, or a minor child thereof, is trustor if the trust is revocable, is a beneficiary, or holds a reversionary interest.

3605. As used in this division, "public officer" means a Member of the Legislature, a Secretary of the Governor, the Chief Clerk and the Sergeant at Arms of the Assembly, the Secretary and the Sergeant at Arms of the Senate, an administrative aide or committee consultant of the Legislature, a constitutional officer, and any other officer of a public agency; and includes civil servants in a public agency who are classified as career executives, and the appointive or civil servant employee of the highest class or grade in each department, bureau, division, or other administrative subdivision of a public agency, as defined in regulations adopted by the public agency, but does not include other civil servants in a public agency.

3606. As used in this division, the term "business entity" includes any partnership, joint venture, sole proprietorship or any other corporate or noncorporate enterprise, other than a charitable corporation described in Section 3602.

3607. To the extent that any provision of this division imposes stricter limitations on the disclosure of ownership of shares in a corporation, or the disclosure of political contributions, than provided elsewhere with regard to particular public offices or public agencies, the provisions of this division shall prevail.

To the extent that any other provision of law imposes stricter limitations on the disclosure of ownership of shares in a corporation, or the disclosure of political contributions, with regard to particular public offices or public agencies, than provided in this division, such provision of law shall prevail.

CHAPTER 2. DISCLOSURE OF FINANCIAL INTERESTS

3700. Prior to the 15th of April of each year, every public officer shall file, as a public record, a statement describing the nature and extent of his investments, including the ownership of shares in any corporation or the ownership of a financial interest in any business entity, which is subject to regulation by any state or local public agency, if such investment is in excess of ten thousand dollars ($10,000) in value at the time of the statement.

3701. Any person who filed a statement under Section 3700 in the preceding year may comply with the requirements of Section 3700 by filing a supplemental statement listing only the changes in the nature, including the extent of his investments and ownership of shares in any corporation or the ownership of a financial interest in any business entity, or stating that no changes occurred if such is the case.

3702. Each candidate as defined in Section 3753 for state or local public office, within 10 days after he files his declaration of candidacy or declaration of acceptance, shall file, as a public record, a statement identical to the statement required by Section 3700.

3703. Candidates and elected officials required to file statements under this chapter shall file in the same place specified in Section 6550 of the Elections Code for the filing of nomination papers. Other state officials and employees required to file statements under this chapter shall file with the Secretary of State. Other local officials and employees required to file statements under this chapter shall file with the county clerk in the county in which they reside.

3704. Any person who violates a provision of this chapter is guilty of a misdemeanor, and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

CHAPTER 3. POLITICAL CONTRIBUTIONS

3750. Each candidate for state or local public office, and each political committee supporting such candidate, shall file, as a public record, two cumulative statements naming each person or organization from whom a contribution or contributions have been received that total more than five hundred dollars ($500) and that have been or may be expended on behalf of his campaign, together with the specific amounts contributed by each person or organization.

Statements for candidates for state office shall be filed with the Secretary of State, and statements for candidates for local office shall be filed with the county clerk of the county in which the candidate resides.

3751. Statements required under Section 3750 shall be filed at the following times:

(a) Between 20 and 25 days prior to the election.

(b) Between 30 and 35 days after the election.

3752. A statement required under subdivision (b) of Section 3751 may be combined with a campaign statement as defined in Section 11503 of the Elections Code.

3753. As used in this chapter:

(a) The term "contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. The term "contribution" includes the services of an employee donated by an employer, in which case the contribution shall be listed in the name of the employer.

(b) The term "expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

The term "political committee" does not include any committee formed by a business corporation or enterprise, or group of business corporations or enterprises, which regularly solicits political contributions from officers or employees and which makes such contributions available to political candidates on a bipartisan basis, provided that the amounts contributed by it to each political candidate shall be set forth by the candidate in his statements required under Section 3751.

(d) The term "candidate" means any person who seeks nomination or election to a state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state.

"Candidate" also includes persons seeking election to a county central committee at the direct primary election.

3754. Any person who violates a provision of this chapter is guilty of a misdemeanor and any person who violates a provision of this chapter with the knowledge of the unlawfulness of such act or omission is guilty of a felony.

SEC. 2. Section 8923 of the Government Code is repealed.

CHAPTER 1513

An act to amend Sections 1164 and 1165 of, to add Sections 1162 and 1163 to, and to repeal Sections 1162 and 1163 of, the Education Code, relating to school district governing boards.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 1162 of the Education Code is repealed.

SEC. 2. Section 1162 is added to the Education Code, to read:

1162. Whenever a vacancy occurs, the county superintendent of schools having jurisdiction shall call a special election to elect a successor to serve during the remainder of the term in which the vacancy occurs. The special election shall be conducted no later than the 120th day after the vacancy occurs. The election shall be called and conducted in as nearly the same manner as practicable as other governing board member elections.

SEC. 3. Section 1163 of the Education Code is repealed.

SEC. 4. Section 1163 is added to the Education Code, to read:

1163. Whenever a vacancy occurs within four months of a regularly scheduled election for the governing board in which the vacancy occurs, the special election shall be held at the same time as and shall be consolidated with that regularly scheduled election.

Whenever a vacancy in a position on a governing board occurs within four months of the end of the term of that position, there shall be no election to fill the position. The position shall remain vacant until the person elected to serve during the succeeding term takes office.

SEC. 5. Section 1164 of the Education Code is amended to read:

1164. If for any reason vacancies should occur in a majority of the offices on any school district governing board, the president of the county board of education having jurisdiction may appoint members of the county board of education to the school district governing board until new members of the governing board are elected.

SEC. 6. Section 1165 of the Education Code is amended to read:

1165. Whenever any of the offices on any school district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members elected to fill the vacancies, who have qualified, shall have all the powers and perform all the duties of the governing board.

CHAPTER 1514

An act to amend Section 987b of the Penal Code, relating to defense of persons unable to afford counsel.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 987b of the Penal Code is amended to read:

987b. (a) From any state moneys made available to it for such purpose, the Department of Finance shall, pursuant to this section, pay to the counties an amount not to exceed 10 percent of the amounts actually expended by the counties in providing counsel in accordance with the law whether by public defender, assigned counsel, or both, for persons charged with violations of state criminal law or involuntarily detained under the Lanterman-Petris-Short Act, Division 5 (commencing with Section 5000) of the Welfare and Institutions Code, who desire, but are unable to afford, counsel.

(b) Application for payment shall be made in such manner and at such times as prescribed by the Department of Finance and the department may adopt rules necessary or appropriate to carry out the purposes of this section.

CHAPTER 1515

An act directing the transfer of state property.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. The Director of General Services is hereby authorized and directed to quitclaim to the City of Fresno, at no cost to the city, all interests of the state in that portion of land adjacent to the Fresno Air Terminal in Section 20, Township 13 South, Range 21 East, Mount Diablo base and meridian that was formerly owned by the United States of

America, given to the State of California for use by Fresno State College, and has been declared surplus, being some 352.5 acres, more or less, upon condition the land be used for public purposes.

CHAPTER 1516

An act to amend Section 20017.8 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 20017.8 of the Government Code is amended to read:

20017.8. "Law enforcement member" also includes persons employed by the state to perform lifeguard services and whose principal duties consist of active protection, rescue, and rendition of aid or assistance to persons injured or imperiled at beaches and lakes, streams, dams, reservoirs, or other bodies of open water, but not including swimming pools, and including members employed to perform duties now performed under the titles of "district aquatic supervisor," "lifeguard supervisor," and "lifeguard" or equivalent successor classes, other than persons employed under such titles on a seasonal basis, but excluding clerical, maintenance personnel, and others who do not fall within the scope of active lifeguarding or lifesaving services as described in this section even though such persons are subject to occasional call or are occasionally called upon to perform duties within the scope of active lifeguarding or lifesaving.

CHAPTER 1517

An act to add Section 488 to the Insurance Code, relating to persons operating motor vehicles for compensation.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 488 is added to the Insurance Code, to read:

488. No insurer shall in issuing or renewing a private passenger automobile insurance policy increase the premium on such policy for the reason that the insured or applicant for insurance has been arrested, cited, or convicted for traffic violations committed while operating a motor vehicle for compensation during the hours of his employment if, with respect to the arrest, citation, or conviction, the employer of the in-

sured or applicant has submitted to the insurer a written declaration made by the employer under penalty of perjury that the applicant or insured was, at such time, operating a motor vehicle for compensation during the hours of his employment.

This section does not apply to any insured or applicant for insurance arrested, cited, or convicted of any of the following:

(a) Homicide or assault arising out of the operation of a motor vehicle for compensation during the hours of employment.

(b) A violation while operating a motor vehicle for compensation during the hours of employment of any of the following sections or section subdivisions: subdivision (a) of 14601, subdivision (a) of 14601.1, 20001, 20002, subdivision (a) of 20008, 23101, 23101.5, subdivision (a) of 23102, subdivision (a) of 23102.5, 23103, 23104, 23105, 23106, or 23108, of the Vehicle Code.

This section shall not apply to any person insured under the California assigned risk plan prescribed by Article 4 (commencing with Section 11620), Chapter 1, Part 3, Division 2 of this code.

CHAPTER 1518

An act to amend Section 17503 of the Education Code, relating to apportionments of State School Fund.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 17503 of the Education Code is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code provided, however that the cost of all health and welfare benefits provided to the teachers by the school district shall be included within the meaning of salaries of classroom teachers.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 20651 of this code for administration, instruction (including salaries and other expense), auxiliary services, school plant (including operation and maintenance), and fixed charges. "Current expense of education" shall not include those purposes classified

as transportation of pupils, food service, community service, capital outlay, state school building loan repayment; and shall not include the amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of 1964" or any extension of such act of Congress.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a junior college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars ($1,000), and if the amount is one thousand dollars ($1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the desig-

nated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the Superintendent of Public Instruction shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

CHAPTER 1519

An act to amend Sections 321, 322, 323, 324, and 325 of, to add Section 321.5 to, and to add Article 5.5 (commencing with Section 17521) to Chapter 2 of Division 14 of, the Education Code, relating to public school employment.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 321 of the Education Code is amended to read:

321. As used in this article

(a) "School district" does not include an elementary school district with less than one hundred one (101) units of average daily attendance, a high school district with less than three hundred one (301) units of average daily attendance, or a junior college district.

(b) "Full-time equivalent classroom teacher" means an employee of a school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. For purposes of this section, a "full-time equivalent classroom teacher" shall also mean an inschool librarian or a full-time counselor assigned full-time student counseling duties.

(c) "Full-time equivalent employees in nonteaching functions" mean all employees other than those defined in subdivision (b).

(d) "Full-time certificated nonteaching employees" means all persons holding positions requiring certification qualifications, but who do not come within the meaning of subdivision (b).

(3) Have committed no act, which, if committed by a licensee would be a ground for disciplinary action.

(b) An applicant for a license under this chapter who completes the prescribed course of study in a school of nursing located outside of this state shall be deemed to have complied with the provisions of paragraph (2) of subdivision (a) of this section if the school of nursing in which the applicant successfully completed his prescribed course of instruction was a school which, in the opinion of the board, maintained and gave a course which was equivalent to the minimum requirements of the board for an accredited school in this state at the time the applicant was a student in such school.

(c) An applicant graduating from a school of nursing in a country outside the United States and who has complied with the provisions of subdivision (a) of this section shall qualify for licensure by successfully passing the examination prescribed by the board.

SEC. 2. Section 2736.6 is added to the Business and Professions Code, to read:

2736.6. The board shall determine by regulation the additional preparation in nursing, in a school approved by the board, which is required for a vocational nurse, licensed under Chapter 6.5 (commencing with Section 2840) of this division, to be eligible to take the examination for licensure under this chapter as a registered nurse. The board shall not require more than 30 units in nursing and related science subjects to satisfy such preparation.

SEC. 3. Section 2786.6 is added to the Business and Professions Code, to read:

2786.6. The board shall deny the application for accreditation made by, and shall revoke the accreditation given to, any school of nursing which does not give to student applicants credit, in the field of nursing, for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

The board shall prescribe, by regulation, the education for which credit is to be given and the amount of credit which is to be given for each type of education. The word "credit," as used in the preceding sentence, is limited to credit for licensure only. The board is not authorized to prescribe the credit which an accredited school of nursing shall give toward an academic certificate or degree.

CHAPTER 1542

An act to add Section 2881.1 to the Business and Professions Code, relating to the practice of vocational nursing.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 2881.1 is added to the Business and Professions Code, to read:

2881.1. The board shall deny the application for accreditation made by, and shall revoke the accreditation given to, any school of vocational nursing which does not give to student applicants credit, in the field of nursing, for previous education and the opportunity to obtain credit for other acquired knowledge by the use of challenge examinations or other methods of evaluation.

The board shall prescribe, by regulation, the education for which credit is to be given and the amount of credit which is to be given for each type of education.

CHAPTER 1543

An act to amend Sections 310 and 321 of the Elections Code, relating to registration of voters.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed postcard provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) Whether the affiant has ever been convicted of a felony.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of the Elections Code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the state one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ___.

4. My occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. { Father's naturalization. / Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

Where { city / state } _____

My { father's / husband's / mother's } name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I have _____ been convicted of a felony. (Not all felony convictions will disqualify you from voting. If you have ever been convicted of a felony contact the registrar of voters for a determination as to your eligibility to vote.)

11. My social security number is _____ (may be omitted).

_____
(Affiant sign here.)

Residence_____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
County Clerk.

By_____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box. No. _____

CHAPTER 1544

An act to provide health science facilities by the 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 direct primary election of 1970.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. This act shall be known and may be cited as the University of California Health Science Facilities Construction Program Bond Act of 1969.

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 the state for purposes of providing health science facilities at the University of California.

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 the construction, equipment, and site acquisition of health science facilities as are approved and authorized by the Legislature subsequent to the adoption of this act by the people.

SEC. 3. Bonds in the total amount of two hundred forty-six million three hundred thousand dollars ($246,300,000), 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 University of California Health Science Facilities 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 is 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 University of California Health Science Facilities 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 in the manner hereinafter prescribed.

SEC. 7. A section shall be included in the Budget Bill for each fiscal year bearing the caption University of California Health Science Facilities Construction Bond Act Program. Said section shall contain proposed appropriations only for the program contemplated by this act, and no funds derived from the bonds authorized by this act may be expended pursuant to an appropriation not contained in said section of the Budget Act. The Department of Finance, which is hereby designated as the board for the purposes of this act, shall annually total the Budget Act appropriations referred to in this section and, pursuant to Section 16730 of the Government Code, request the University of California Health Science Facilities 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 University of California Health Science Facilities 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 (commencing with Section 16720) 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, except that, not withstanding Section 16731 of the Government Code, the annual rate of interest on such bonds may be 6 percent or less.

SEC. 10. The University of California Health Science Facilities 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 Chairman of the Regents of the University of California. For the purpose of this act, the University of California Health Science Facilities 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 University of California Health Science Facilities Construction Program Bond Act of 1969, as set forth in Sections 1 to 10 of this act. Sections 11 to 18 of this act contain provisions relating to and necessary for the submission of the University of California Health Science Facilities Construction Program Bond Act of 1969 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 June 2, 1970. 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. 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. Upon the effective date of this section, the author of the measure submitted pursuant to this act and two members of the other house who voted with the majority on the measure, shall be appointed by the presiding officers of the respective houses to draft the arguments for the adoption of the measure. If the measure is not adopted unanimously by the

house in which it originated, one member of the house in which it originated, who voted against it, shall be appointed by the presiding officer of that house to write an argument against it. If there are no negative votes on the measure in the house in which it originated, the presiding officer of that house shall appoint some qualified person to draft an argument against it. Each argument shall consist of not more than 500 words and shall be submitted to the Secretary of State on or before the fifth day after this section takes effect.

SEC. 15. 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. 16. All ballots at said election shall have printed thereon in boldface type and in a square thereof, the words: "For bonds to provide University of California health science 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 University of California health science facilities." In each square containing the language specified above, immediately below that language and enclosed in parentheses, there shall be printed, in eight-point type, the words: "This act provides for a bond issue of two hundred forty-six million three hundred thousand dollars ($246,300,000)." Opposite the words: "For bonds to provide University of California health science facilities," and the language immediately following such statement, and "Against bonds to provide University of California health science facilities," and the language immediately following such statement, 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. Those voting for said bonds shall do so by placing a cross opposite the words: "For bonds to provide University of California health science facilities," and those voting against said bonds shall do so by placing a cross opposite the words: "Against bonds to provide University of California health science 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 voters' 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 UNIVERSITY OF CALIFORNIA HEALTH SCIENCE FACILITIES. (This act provides for a bond issue of two hundred forty-six million three hundred thousand dollars ($246,300,000).)	
AGAINST BONDS TO PROVIDE UNIVERSITY OF CALIFORNIA HEALTH SCIENCE FACILITIES. (This act provides for a bond issue of two hundred forty-six million three hundred thousand dollars ($246,300,000).)	

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. 17. 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.

SEC. 18. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code.

CHAPTER 1545

An act to add Section 13443.6 to the Education Code, relating to certificated employees.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 13443.6 is added to the Education Code, to read:

13443.6. Unless a certificated employee holding a position requiring an administrative or supervisory credential receives written notice by March 15 that he may be released for the following school year, the employee's contract shall be renewed on the same terms and conditions as were embodied in his last

contract. The provisions of this section do not apply to a certificated employee who holds a position described in Section 938 or to the termination of employment pursuant to Section 13447.

CHAPTER 1546

An act to add Section 21200.2 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 21200.2 is added to the Government Code, to read:

21200.2. Notwithstanding Section 21200.1, the board may fix the effective date of a member's retirement as of a date earlier than the first of the month in which an application for the retirement is received in the office of the board if an application is in fact received within six months following member's separation from state service, and if the board finds that the member's employer undertook to transmit an application for such retirement to the board on behalf of the member and failed or delayed unreasonably in such transmission, and the member's retirement allowance, based on his attained age in the month in which the application is received in the office of the board, would be no greater than that based on his attained age as of the effective date to be fixed by the board. An effective date fixed pursuant to this section may not be earlier than the effective date found to have been specified in the original application.

This section shall apply only to members who retired within three years prior to its effective date, and who present proof of the required facts by December 31, 1969.

CHAPTER 1547

An act to add Title 7.7 (commencing with Section 67410) to the Government Code, relating to southern California transportation.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Title 7 7 (commencing with Section 67410) is added to the Government Code, to read:

TITLE 7.7. SOUTHERN CALIFORNIA TRANSPORTATION STUDY COMMISSION

67410. This title shall be known and may be cited as the Southern California Transportation Study Commission Act.

67411. The Legislature hereby finds and declares that the proper development of the southern California region requires that effective, economic transportation services which are compatible with regional priorities and projected land use plans be provided. Despite the best efforts of existing agencies, the kind of overall planning required to provide such services has not been possible. In particular, land use and transportation planning have proceeded with little coordination, resulting in increasing traffic congestion. Because of present organizational arrangements, separate facilities such as highways and rail transit are being planned rather than an integrated transportation system. Present efforts are leading to costly and ineffective transportation services which will ultimately limit the development of the southern California region.

It is therefore necessary that a limited-life commission be established to define the proper means of providing overall transportation planning in southern California and to undertake an initial study and definition of a regional transportation plan including the means for development and financing of required facilities.

The Legislature recognizes that the Southern California Association of Governments has the primary responsibility for comprehensive regional planning in southern California. Therefore, the Legislature directs that the commission perform its functions through a written agreement with this association that insures proper coordination and integration of regional planning activities.

67412. There is hereby created the Southern California Transportation Study Commission which shall consist of 26 members. Representation and appointment shall be as follows:

(a) Twelve members shall be local elected officials and appointed by the Governor from a list of local elected officials submitted to the Governor by the Executive Committee of the Southern California Association of Governments.

(b) One member shall be a representative of the State Transportation Agency.

(c) One member shall be a representative of the Southern California Rapid Transit District.

(d) One member shall be a State Senator from the area under study who shall serve to the extent that such participation is not incompatible with his position as a Member of the Legislature and shall be chosen by the Senate Rules Committee.

(e) One member shall be an Assemblyman from the area under study who shall serve to the extent that such participation is not incompatible with his position as a Member of the

Legislature and shall be chosen by the Speaker of the Assembly.

(f) Ten members shall be local residents, broadly representative of local business, labor and community interests, shall not be governmental officials, shall serve in an advisory capacity to the commission, and shall be appointed by the Governor from a list of names submitted to the Governor by the Executive Committee of the Southern California Association of Governments.

Vacancies occurring in commission membership shall be filled in the same manner as original appointments. Commission members shall select a chairman and vice chairman.

67413. The members of the commission shall serve for four years or until the termination of the commission, whichever is earlier.

67414. The members of the commission shall serve without compensation, but each of the members may be reimbursed for his necessary and actual expenses incurred in the performance of his duties.

67415. All meetings of the commission shall be open to the public, and all persons shall be permitted to attend any meetings of the commission.

67416. The commission shall conduct a comprehensive study of the regional transportation problems affecting the southern California area which, for the purposes of this title, is composed of the Counties of Ventura, Los Angeles, Orange, San Bernardino, Riverside and Imperial.

67417. The commission shall limit its studies of interregional transportation facilities to the extent such facilities influence or affect intraregional transportation facilities or planning requirements therefor.

67418. The commission shall be responsible for conducting studies and developing specific recommendations in regard to the following matters:

(a) Interrelationship between transportation and regional goals and priorities, including such areas as population, population density, employment, housing, education, transportation, recreation, natural resources, business, and economic levels.

(b) The efficacy of existing transportation systems and land-use plans to meet regional goals.

(c) Transportation service in light of land-use plans and regional goals.

(d) The capabilities of existing or proposed transportation systems and operations to meet service needs.

(e) Recommendations for meeting defined transportation service needs.

(f) Required legislation or modifications in governmental organization to:

(1) Establish and finance a continuing planning process that properly coordinates regional goals, land-use planning, and transportation service.

(2) Finance required transportation systems and facilities.

(3) Provide and implement a master plan for the development and construction of transportation facilities for the southern California area.

67419. In order to avoid duplication of work, the commission shall make maximum use of data and information available in plans and studies of public and private agencies. The commission shall utilize the resources of the staff of the Southern California Association of Governments for administrative and technical services.

67420. The commission may:

(a) Accept grants, contributions and appropriations from any public agency.

(b) Appoint committees from its membership and from other interested public and private groups.

(c) Contract for or employ any professional services required or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and staff.

67421. The commission shall take whatever steps are necessary to attempt to obtain money available for such activities from any federal or local sources.

67422. The commission shall file a progress report with the Governor and the Legislature not later than the fifth legislative day of the 1971 Regular Session of the Legislature, and shall file a final report with the Governor and the Legislature not later than the fifth legislative day of the 1972 Regular Session of the Legislature.

67423. The existence of the commission shall terminate on the 91st day after the final adjournment of the 1972 Regular Session of the Legislature.

CHAPTER 1548

An act to add Sections 14112.1 and 14216.5 to the Education Code, relating to the Teachers' Retirement Fund.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 14216.5 is added to the Education Code, to read:

14216.5. The state shall deposit that portion of the annual appropriation required for payments of subventions to local districts in a lump sum into the Teachers' Retirement Fund, when requested by the Teachers' Retirement Board. The remainder of the annual appropriation shall be deposited into the Teachers' Retirement Fund monthly.

SEC. 2. Section 14112.1 is added to the Education Code, to read:

14112.1. The state shall deposit that portion of the annual appropriation required for payments of subventions to local districts in a lump sum into the Teachers' Retirement Fund, when requested by the Teachers' Retirement Board. The remainder of the annual appropriation shall be deposited into the Teachers' Retirement Fund monthly.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1728 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Assembly Bill No. 1728 takes effect; at which time Section 14216.5 of the Education Code as added by Section 1 of this act is repealed.

CHAPTER 1549

An act to add Section 9357.46 to the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 9357.46 is added to the Government Code, to read:

9357.46. Any person who was a member and who withdrew his accumulated contributions after discontinuance of service may, at any time while he is in employment in which he is a member of the Public Employees' Retirement System or the State Teachers' Retirement System, redeposit in the fund in one sum an amount equal to the accumulated contributions withdrawn plus the interest which would have been credited to such accumulated contributions had they not been withdrawn, using the rate of interest in effect at the time of redeposit.

Upon such redeposit, the person shall become a member with the rights provided a member who elected under Section 9355.2 to allow his contributions to remain in the fund.

CHAPTER 1550

An act to amend Sections 437, 437.1, 437.2, and 437.4 of the Health and Safety Code, relating to health planning.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 437 of the Health and Safety Code is amended to read:

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 21 members.

The Governor shall appoint 12 members, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction, or utilization of hospitals or other health care facilities, one of whom shall be representative of a public agency concerned with the operation, construction, or utilization of hospitals or general health activities, one of whom shall be concerned with the operation, construction or utilization of nongovernmental facilities or services for the retarded, one of whom shall be representative of nongovernmental organizations or groups concerned with the operation, construction or utilization of mental health services, one of whom shall be a provider of health care, one of whom shall be a representative of consumers of services for the mentally retarded, one of whom shall be a representative of consumers of mental health services, one of whom shall be a representative of local government, and four of whom shall be representatives of the general consumer public, as defined.

The Chairman of the Senate Committee on Rules shall appoint three members, one of whom shall be a Member of the Senate, one of whom shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The Speaker of the Assembly shall appoint three members, one of whom shall be a Member of the Assembly, one of whom shall be a provider of health care, and one of whom shall be a representative of the general consumer public.

The Director of the Department of Public Health, the Director of the Department of Mental Hygiene, and a state government official concerned with health who is appointed by and serves at the pleasure of the Governor shall be members of the council.

The chairman and vice chairman of the council shall be appointed by the Governor. The chairman shall be chosen from among the representatives of the general consumer public or public officials, except for legislators and except for representatives of major purchasers of health care services. The chairman and vice chairman shall serve at the pleasure of the Governor.

The representatives of the general 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 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.

SEC. 2. Section 437.1 of the Health and Safety Code is amended to read:

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.

The members first appointed to the additional offices created by the amendments to this part enacted at the 1969 Regular Session of the Legislature shall hold office for four-year terms.

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.

SEC. 3. Section 437.2 of the Health and Safety Code is amended to read:

437.2. The Health Planning Council shall meet 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.

SEC. 4. Section 437.4 of the Health and Safety Code is amended to read:

437.4. The council may appoint an executive secretary who may appoint persons to such staff positions as the council may authorize. The affirmative votes of a majority of the voting members of the council shall be necessary to the appointment or removal of the executive secretary.

The council may establish standing committees, and appoint persons. who are not members of the council, to such committees, as is necessary to carry out the purposes of this part. Members of such standing committees shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with their duties as members of such committees.

CHAPTER 1551

An act to amend Section 13188 of the Education Code, relating to California teaching credentials.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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. For the purposes of this article, the social sciences shall include ethnic studies.

(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 1552

An act to amend Section 8575 of, to add Chapter 9 (commencing with Section 12820) to Division 9 of, and to repeal Chapter 9 (commencing with Section 12820) and Chapter 10 (commencing with Section 12851) of Division 9 of, the Education Code, relating to testing programs.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 8575 of the Education Code is amended to read:

8575. The State Board of Education shall, on or after July 1, 1970, prepare, and distribute to each school district

maintaining a high school for its consideration, model minimum academic standards for graduation as required by Section 8574 of this code.

SEC. 2. Chapter 9 (commencing with Section 12820) of Division 9 of the Education Code is repealed.

SEC. 3. Chapter 9 (commencing with Section 12820) is added to Division 9 of the Education Code, to read:

CHAPTER 9. SCHOOL TESTING

Article 1. General Provisions

12820. This chapter may be cited as the California School Testing Act of 1969.

12821. The objectives of this chapter are:

(a) To afford a means and procedure for evaluating the effectiveness of the public schools as shown by the competence and progress of public school pupils in basic skills and content courses.

(b) To make such evaluations available to educational agencies and the public as a basis for the correction of deficiencies in, and the improvement of, all phases of the state educational system and as a basis for research.

(c) To afford to the Legislature facts from which it may determine the proper allocation and expenditure of public funds for public school education.

12822. As used in this chapter:

(a) "Achievement test" means any standardized test which measures or attempts to measure the level of performance which a pupil has attained in one or more courses of study. It shall include (1) tests in basic skills courses administered annually and (2) tests in content courses administered from time to time as designated by the State Board of Education.

(b) "Physical performance test" means any test which measures or attempts to measure the physical fitness of a pupil.

(c) "Scholastic aptitude test" means any standardized test which measures or attempts to measure the scholastic aptitude of a pupil.

(d) "Testing program" means the systematic achievement, physical performance, and scholastic aptitude testing required by this chapter of all pupils in grades 6 and 12 in all schools within a school district by means of tests designated by the State Board of Education.

(e) "Basic skills courses" means those subjects which involve, among other skills, memorization and mastery of specific functions, including but not limited to, reading, spelling, basic mathematics, and grammar.

(f) "Content courses" means those subjects which require the integration of factual matter, logical analysis, the solution by the student of posed problems, and the communication of ideas, including, but not limited to, literature, history, advanced mathematics, and science.

12823. The State Board of Education shall:

(a) Require a testing program in all school districts.

(b) Designate the achievement, scholastic aptitude, and physical performance tests to be used during the ensuing school year.

(c) Adopt regulations for the conduct and administration of the testing program.

12824. The State Board of Education may develop, publish, and administer tests of its own devising, and the board may utilize the expert services of any persons or groups of persons in public or private employment.

12825. The governing board of each district shall, in accordance with the rules and regulations of the State Board of Education, conduct a testing program within the district. The governing board may also administer other tests.

12826. The governing board of a school district shall report to the Department of Education, pursuant to rules and regulations adopted by the State Board of Education, the scores of the achievement and scholastic aptitude tests administered pursuant to this article.

The districtwide results of the testing program, but not the score or relative position of individual pupils, shall be reported to the governing board of the district at least once a year at a regularly scheduled meeting.

12827. Upon request of the Department of Education, a school district shall submit to the department at least once every two years the results of its physical performance testing.

12828. At the request of the State Board of Education, and in accordance with rules and regulations which the board may adopt, each county superintendent of schools shall cooperate with and give assistance to school districts under his jurisdiction in carrying out the testing programs of such districts and other duties imposed on school districts by this chapter.

12829. With the exception of physical performance tests, no city, county, city and county, or district superintendent of schools or any principal or teacher of any elementary or secondary school under his charge shall carry on any program of specific preparation of the pupils within the district for the testing program as such or the particular test used therein.

12830. No provision of this chapter or Article 3 (commencing with Section 8571) of Chapter 3 of Division 7 shall be construed to mean, or represented to require, that graduation from a high school or promotion to another grade level is in any way dependent upon successful performance on any test administered as a part of the testing program.

Article 2. Content Course Evaluation

12840. From time to time, as the State Board of Education may determine, the board shall conduct studies of the effectiveness of the various content courses offered by the pub-

lic schools of this state. Such studies shall include details of the specific objectives of the courses and the level of achievement attained by students enrolled in such courses and, for this purpose, the board may use the results of any test administered under the provisions of this chapter.

12841. Upon the completion of a study by the board pursuant to Section 12840, the board shall report its findings, and recommendations, if any, to the Governor and the Legislature not later than January 1 of the year succeeding completion of the study.

12842. In making reports to the Legislature pursuant to Section 12841, the board shall maintain the anonymity of all individual students involved, as well as the participating school districts. The board may make analyses involving other factors, including, but not limited to, general categories of pedagogies in use, type of district organization, geographic area, socioeconomic data, size of school district, or other analytical items which may prove useful.

12843. The governing board of any school district shall cooperate fully with the State Board of Education in making its schools available for studies; provided, that the State Board of Education shall provide all necessary materials and consultant services free of charge to the district.

12844. The State Board of Education may accept federal or other funds for the purpose of financing studies under this article. Such studies shall be conducted by the board on an ad hoc basis, and the board may utilize the expert services of any persons or groups of persons in public or private employment.

Article 3. Testing Evaluation and Analysis

12848. The Department of Education shall prepare and submit an annual report to the Legislature, the State Board of Education and to each school district in the state containing an analysis, on a district-by-district basis, of the results and test scores of the testing program in basic skills courses, including tests administered pursuant to the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6). The report shall include, but is not limited to, an analysis of the following operational factors having a substantive relationship to or bearing on such results:

(a) Maximum and minimum salary paid teachers.

(b) Average class size in grades 1 to 3, inclusive.

(c) Pupil-teacher ratio in grades 4 to 8, inclusive.

(d) Number of nonteaching certificated personnel per 100 full-time teachers.

(e) Total general fund tax rate and total general purpose tax rate.

(f) Assessed valuation per unit of average daily attendance.

(g) Percentage of minority enrollment.

(h) Index of family poverty, derived from dividing funds received under Title I of the Elementary and Secondary Education Act of 1965 (Public Law 89-10) by the average daily attendance in the district.

(i) Average scholastic ability.

(j) Average transitory factors as derived from dividing the average daily attendance of the district or selected schools by the total annual enrollment of the district.

(k) The rate of turnover of staff.

12849. The State Board of Education shall make recommendation to the Legislature as the board deems appropriate concerning appropriate or necessary legislation with respect to the results of the testing program and the evaluation and analysis thereof required by this chapter.

SEC. 4. Chapter 10 (commencing with Section 12851) of Division 9 of the Education Code is repealed.

CHAPTER 1553

An act to amend Section 18502 of the Health and Safety Code, relating to mobilehome parks.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 18502 of the Health and Safety Code is amended to read:

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; provided, however, that the commission may establish a separate schedule of fees for operating permits to defray the cost of enforcement where the department is the enforcement agency. Such fees established by the commission shall not exceed an initial fee of twenty-five dollars ($25) per park and an additional two dollars ($2) per lot.

(c) Change in name, transfer of ownership, or possession fee ten dollars ($10).

(d) Duplicate or amended permit fee ten dollars ($10).

SEC. 2. The changes made to Section 18502 of the Health and Safety Code by Section 1 of this act shall remain in effect until the 91st day after the final adjournment of the 1971 Regular Session of the Legislature, and shall have no force or effect after that date. On and after that date, Section 18502 of the Health and Safety Code shall read exactly as it read immediately prior to the effective date of this act.

CHAPTER 1554

An act to add Section 20804.8 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 20804.8 is added to the Government Code, to read·

20804 8. A retired state miscellaneous member shall receive service credit for time during which he rendered service to a committee of the Legislature in the years 1931, 1932, and 1933, and for which he received no compensation except as allowed by the State Board of Control pursuant to Item 256.1, Budget Act of 1967. The amount of service credit granted shall be determined as it would have been had the compensation received been paid when the service was rendered, and may not exceed, for any fiscal year, an amount which, when added to service already credited for that fiscal year, equals one year. The service retirement allowance of such member payable for time commencing on the effective date of this section shall be increased to the amount it would be if such service had been credited to the member at retirement, but this section shall not give any such retired member, or his successors in interest, any claim against the state for any increase in any retirement allowance paid or payable for time prior to its effective date. Service so credited shall not affect the retired member's effective date of membership in the system or cause any adjustment of the amount of contribution required of him as a member.

CHAPTER 1555

An act to amend Sections 6252 and 6254 of, to repeal Section 6257 of, to add Section 6257 to, and to add Article 10.3 (commencing with Section 6261) and Article 10.4 (commencing with Section 6268) to Chapter 6 of Division 6 of, the Education Code, relating to vocational education.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 6252 of the Education Code is amended to read:

6252. The people of the state accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to strengthen and improve the quality of vocational

education and to expand the vocational opportunities in the Nation" approved December 17, 1963, and amended October 16, 1968.

SEC. 2. Section 6254 of the Education Code is amended to read:

6254. The State Board of Education is designated as the state board to carry out the purposes and the provisions of the acts of Congress, and is given all necessary power and authority to cooperate with the United States Commissioner of Education and the United States Office of Education in the administration of the provisions of the federal acts and of this article (commencing with Section 6251).

SEC. 3. Section 6257 of the Education Code is repealed.

SEC. 4. Section 6257 is added to the Education Code, to read:

6257. The governing board of each school district participating in a vocational education program shall appoint a vocational education advisory committee to develop recommendations on the program and to provide liaison between the district and potential employers.

The committee shall consist of one or more representatives of the general public knowledgeable about the disadvantaged, students, teachers, business. industry, school administration, and the local office of the Department of Human Resources Development.

SEC. 5. Article 10.3 (commencing with Section 6261) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 10.3. California Advisory Council on Vocational Education and Technical Training

6261. The California Advisory Council on Vocational Education and Technical Training, hereinafter referred to as the council in this article, is hereby created, consisting of the Director of Human Resources Development or his representative, a member of the Assembly Education Committee appointed by the Speaker of the Assembly, a member of the Senate Education Committee appointed by the Senate Committee on Rules, and 20 members appointed by the Governor to serve four-year terms. Of the initial appointments by the Governor, five shall serve one year, two years, three years, and four years.

6261.5. The Members of the Legislature appointed to the council pursuant to Section 6261 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 the purposes of Articles 10 (commencing with Section 6251), 10.3 (commencing with Section 6261), and 10.5

(commencing with Section 6276) of this chapter, such Members of the Legislature shall constitute a joint legislative committee on the subject of such articles and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

6262. The members appointed by the Governor shall include:

(a) One person familiar with the vocational education needs and problems of organized labor.

(b) One person familiar with the vocational needs and problems of management.

(c) One person representing the state industrial and economic development agencies.

(d) Three persons representing the community colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions which may provide programs of vocational or technical education and training.

(e) One person familiar with the administration of state and local vocational education programs.

(f) One person having special knowledge, expertise, or qualifications with respect to vocational education who is not involved in the administration of state or local vocational education programs.

(g) One person familiar with programs of technical and vocational education, including programs of comprehensive secondary schools.

(h) One person representing local community college agencies.

(i) One person representing local secondary education agencies.

(j) One person representing community college governing boards.

(k) One person representing secondary school governing boards.

(*l*) One person representing elementary schools or elementary school boards.

(m) One person representing the manpower and vocational education agencies in the state and the comprehensive Area Manpower Planning System of the state.

(n) One person representing school districts with large concentrations of academically, socially, economically, and culturally disadvantaged pupils.

(o) One person with special knowledge, experience, or qualifications with respect to the special educational needs of physically or mentally retarded persons.

(p) Two persons representing the general public, one of whom shall represent and be knowledgeable about the disadvantaged, who are not qualified for membership under any of the preceding subdivisions.

6263. Members of the council shall serve without compensation, except that they shall receive their actual necessary expenses incurred in the performance of their duties.

6264. The council shall have the following duties and responsibilities:

(a) Advise the State Board of Education and the Board of Governors of the California Community Colleges in the development and preparation of annual and long-range state plans for occupational education and training.

(b) Evaluate programs of occupational education and training maintained by local educational agencies, and publish and distribute the results thereof.

(c) Prepare and submit through the State Board of Education and Board of Governors of the California Community Colleges an annual evaluation report to the Legislature, United States Commissioner of Education, and National Advisory Council on Vocational Education.

6265. The council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions under this article, and to contract for such services as may be necessary to enable it to carry out its evaluation functions.

6266. There is in the Department of Education a vocational education staff responsible for the design, implementation, and maintenance of a basic integrated statewide information system for vocational education and technical training. The data gathering and analysis capabilities of the system shall include, but not be limited to, the following:

(a) Maintain comprehensive inventory of all programs of all vocational education and technical training programs which are maintained by the public schools.

(b) Facilitate an annual evaluation of programs of vocational education and technical training, including an analysis of the costs of individual programs, enrollment defined in terms of secondary students, postsecondary students and adults, the numbers of graduates of programs, the number of trainees trained for specific entry level occupations, dropout rates, and placement data.

(c) Provide for performing local, area, and state job projections and anticipated requirements of employers.

(d) Facilitate the preparation of reports required by state and federal agencies.

(e) Support the functions of the California Advisory Council on Vocational Education and Technical Training.

6267. The system provided for in Section 6266 shall be designed, implemented, and maintained in accordance with Article 4 (commencing with Section 471) of Chapter 3 of Division 2.

SEC. 6. Article 10.4 (commencing with Section 6268) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 10.4. Vocational Areas

6268. There are hereby created within the state a number of vocational areas, not to exceed 15, which shall have boundaries as determined, within 90 days after the effective date of this section, by the Director of Human Resources Development, the Director of Vocational Education, and the Chancellor of the California Community Colleges. Such areas shall, as far as possible, be developed along job market lines.

6268.2. In a minimum of four vocational areas, an area vocational committee shall be selected pursuant to Section 6268.8 to assume the responsibility of developing recommendations for the short-term improvement of existing vocational educational programs and a master plan for the improvement of vocational education within the area.

The selection of such vocational areas shall be made by the Director of Human Resources Development, the Director of Vocational Education, and the Chancellor of the California Community Colleges. The selected vocational areas shall be sufficiently representative of all the vocational areas to demonstrate the feasibility of extending this system of planning throughout the state.

6268.4. Development of a master plan pursuant to Section 6268.2 shall include, but not be limited to, consideration of the following areas:

(a) Assess whether a proper assortment, as measured by skill demands determined from local and area employment surveys, of programs in the educational curriculum is offered in the area, while avoiding unnecessary duplication of programs.

(b) Review quality standards of vocational instruction in the area.

(c) Assure that information derived from followup studies is shared among educational institutions offering vocational education.

(d) Encourage and assist local school districts to offer effective prevocational programs.

(e) Insure that guidance and counseling information relative to vocational education and occupational experience is made available to all junior high school, high school, and junior college students in the area, and insure that a substantial part of such guidance and counseling is provided by business and industry personnel.

(f) Assist in arranging, wherever appropriate, for high school juniors and seniors to take courses in junior college vocational programs.

(g) Assure that workable arrangements are established to grant advanced placement in vocational programs to outstanding high school graduates.

(h) Assure that remedial programs are available, in high schools, in adult schools, and in junior colleges, to allow young people who desire to enter technical programs (or who desire

to enter apprenticeship), but who lack the academic qualifications, to have the opportunity to acquire those qualifications.

(i) Encourage the greater use of cooperative or work experience education programs.

(j) Inform the public of the merits and strengths of vocational education to the end that vocational education will be moved toward a parity of esteem with all other curricular areas.

6268.6. Each area vocational committee shall be composed of 12 members, as follows: three representatives of the governing boards of junior college districts within the area; three representatives of school districts maintaining high schools within the area; one representative of the Department of Human Resources Development; and five public members who, through knowledge and experience, are representative of the industries in the area.

6268.8. The members of each area vocational committee shall be selected in the following manner:

(a) Each of the three representatives of the governing boards of local junior college districts within the area shall be selected by a majority vote of the governing boards of junior colleges within the area.

(b) Each of the three representatives of school districts maintaining high schools within the area shall be selected by a majority vote of the governing boards of school districts maintaining high schools within the area.

(c) The representative of the Department of Human Resources Development shall be selected by the Director of Human Resources Development.

(d) Each of the five public members shall be selected jointly by the Director of Human Resources Development, the Director of Vocational Education, and the Chancellor of the California Community Colleges.

6268.10. Members of each area vocational committee shall serve without compensation, but they shall receive their actual and necessary traveling expenses in performing their duties under this article.

6268.12. Each area vocational committee shall, within one year of the initial meeting of the committee, develop and submit to the State Board of Education and to the Board of Governors of the California Community Colleges, and to any other appropriate policymaking body, an area master plan providing for maximum coordination between vocational, technical, adult, and continuation education agencies within the area, together with recommendations for the implementation of such master plan in the area.

6268.14. Each area vocational committee shall, no later than March 1, 1970, report to the State Board of Education, the Board of Governors of the California Community Colleges, and the California Advisory Council on Vocational Education

and Technical Training on the progress of each committee toward the development of a master plan, and the committee's recommendations on short-term improvement of existing vocational education programs.

The State Board of Education and the Board of Governors of the California Community Colleges shall report to the Legislature on the progress reports of the vocational education committees within 60 days after the board shall have received such reports.

6268.16. Within one year of the receipt of the area plans from each of the area vocational committees, the State Board of Education and the Board of Governors of the California Community Colleges, with the advice of the California Advisory Council on Vocational Education and Technical Training, shall develop, and thereafter shall amend annually, the state master plan in accordance with area master plans.

6268.18. The State Board of Education and the Board of Governors of the California Community Colleges, jointly, shall submit annually to the Legislature the state master plan described in Section 6268.16, together with proposed legislation for the implementation of the master plan.

6268.20. It is the intent of the Legislature in enacting this article that the area vocational committees formed hereunder, in forming their area master plans, shall give due consideration to all relevant planning efforts in the vocational area, both prior and concurrent, and to planning guidelines developed by the State Board of Education, the Board of Governors of the California Community Colleges, and the California Manpower Coordinating Committee.

6268.22. It is the intent of the Legislature in enacting this article that the vocational education staff of the State Board of Education and the Board of Governors of the California Community Colleges, through the joint coordination of the Director of Vocational Education and the Chancellor of the California Community Colleges, shall be responsible for its implementation and administration.

SEC. 7. The provisions of Article 10.4 (commencing with Section 6268) of Chapter 6 of Division 6 of the Education Code, as added by this act, shall become operative January 1, 1970, with the exception of Section 6268 of the Education Code, which shall become operative on the 61st day following final adjournment of the 1969 Regular Session of the Legislature.

SEC. 8. The State Board of Education and the Board of Governors of the California Community Colleges, in approving any state plans for the administration of federal funds to be received for the purposes of vocational education or any other purpose for which the administration of Section 6268 of the Education Code could be funded, shall give due considera-

tion to the provisions of such financial support as may be necessary to implement and administer this article.

Furthermore, the State Board of Education and the Board of Governors of the California Community Colleges shall give due consideration to the assurance that the annual financial support of the California Advisory Council on Vocational Education and Technical Training shall be one hundred fifty thousand dollars ($150,000) from whatever funds that are available for this purpose.

SEC. 9. This act may be known as the Vocational and Technical Training Act of 1969.

CHAPTER 1556

An act to add Article 10 (commencing with Section 6260) to Chapter 1 of Division 5 of the Elections Code, relating to presidential primary elections.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 10 (commencing with Section 6260) is added to Chapter 1 of Division 5 of the Elections Code, to read:

Article 10. Write-In Candidates

6260. Notwithstanding any other provisions of law, a space shall be provided on the presidential primary ballot for an elector to write in the name of a candidate for President of the United States.

6261. Any person who believes his name may be used as a write-in candidate for President of the United States shall, not later than eight days before the primary election, file his endorsement of his write-in candidacy with the Secretary of State, or no votes shall be counted for him.

6262. Any person who receives, by write-in vote, a plurality of the votes cast for President of the United States shall, within 10 days after the primary election, file a list of delegates to the national convention of his political party with the Secretary of State in the manner prescribed in Sections 6053 and 6054.

6263. If the candidate fails to file a list of delegates, the state central committee of the party in whose primary the candidate received the plurality vote shall within 10 days of the end of the 10-day period required in Section 6262, file a list of delegates with the Secretary of State. The delegation shall go to the convention unpledged to any candidate.

CHAPTER 1557

An act to amend and renumber Section 507 of, and to add Section 531.4 to, the Revenue and Taxation Code, relating to property escaping assessment

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 507 of the Revenue and Taxation Code is amended and renumbered, to read:

531.3. 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. 2. Section 531.4 is added to the Revenue and Taxation Code, to read:

531.4. When an assessee files with the assessor a property statement or report on a form prescribed by the board with respect to property held or used in a profession, trade or business and the statement fails to report any taxable tangible property accurately, regardless of whether this information is available to the assessee, to the extent that this failure causes the assessor not to assess the property or to assess it at a lower valuation than he would enter on the roll if the property had been reported to him accurately, that portion of the property which is not reported accurately, in whole or in part, shall be assessed as required by law. If the failure to report the property accurately 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 added.

CHAPTER 1558

An act to amend Section 22014 of, and to add Sections 20601.6, 20750.35, 21251.141, 21293.6, 21364.8 and 21385.6 to, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 20601.6 is added to the Government Code, to read:

20601.6. Section 20601.5 shall not apply to a forestry member with respect to compensation received on or after the effective date of this section.

SEC. 2. Section 20750.35 is added to the Government Code, to read:

20750.35. The contribution of a public employer to the retirement fund with respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to twelve-hundredths (0.12) of 1 percent of the compensation paid such member by such employer.

SEC. 3. Section 21251.141 is added to the Government Code, to read:

21251.141. Section 21251.14 shall not apply to the computation of a retirement allowance based on any forestry service of a forestry member whose retirement is effective on or after the effective date of this section.

SEC. 4. Section 21293.6 is added to the Government Code, to read:

21293.6. Section 21293.5 shall not apply to a forestry member whose retirement for industrial disability is effective on or after the effective date of this section.

SEC. 5. Section 21364.8 is added to the Government Code, to read:

21364.8. Section 21364.7 shall not apply to a special death benefit or continued allowance payable with respect to a forestry member whose death occurs or whose retirement is effective on or after the effective date of this section.

SEC. 6. Section 21385.6 is added to the Government Code, to read:

21385.6. Notwithstanding Sections 21384 and 21385, this article shall apply to a state member or a local member whose employer is subject to this article and whose services were included in the federal system in any period after such inclusion is terminated.

SEC. 7. Section 22014 of the Government Code is amended to read:

22014. "Fireman" as used in this part means any employee of the Division of Forestry, Department of Conservation, employed to perform duties now performed under the following titles: State Forester; all classes of rangers; all classes of deputy state foresters; 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 equipment and civil engineers; forestry superintendent, conservation camps; forest firetruck driver; forestry fireman; forest firefighter; equipment maintenance foreman or forestry equipment operator; or employed in any other position the

principal duties of which consist of active fire suppression, and any employee of a public agency other than the state or University of California in a position designated as a fireman's position by the board; provided, such designation is not contrary to any definition, ruling or regulation relating to the term "fireman" issued by the federal agency for the purposes of Section 218(d)(5)(A) of the Social Security Act.

SEC. 8. This act shall become operative on the first of the month following the month in which statutes enacted at the 1969 Regular Session are effective.

CHAPTER 1559

An act to amend Section 13168 of the Education Code, relating to life diplomas.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 13168 of the Education Code is amended to read:

13168. Only candidates are eligible who have had at least 48 school months of successful school experience, at least 21 of which have been in the public schools of the state, in schools maintained for minors by publicly controlled California institutions, or in private high schools accredited by the Western Association of Schools and Colleges Secondary Commission.

CHAPTER 1560

An act to add Part 5.5 (commencing with Section 19955) to Division 13 of the Health and Safety Code, relating to buildings.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Part 5.5 (commencing with Section 19955) is added to Division 13 of the Health and Safety Code, to read:

PART 5.5. ACCESS TO PUBLIC ACCOMMODATIONS BY PHYSICALLY HANDICAPPED PERSONS

19955. The purpose of this part is to insure that public accommodations constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code.

For the purposes of this part "public accommodation" means a building, structure, or improved area which is used primarily by the general public as a place of gathering or amusement, including theaters, restaurants, hotels, and stadiums.

19956. All public accommodations constructed in this state shall conform to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code; and except that in multistoried buildings, floors or levels above the first floor or ground level are exempt from the requirements of this chapter if a reasonable portion of all facilities and accommodations normally sought and used by the public in such a building are accessible to, and usable by, the physically handicapped.

19957. In cases of practical difficulty, unnecessary hardship, or extreme differences, a building department responsible for the enforcement of this part may grant exceptions from the literal requirements of the standards and specifications required by this part or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection are thereby secured.

19958. The building department of every city, county, or city and county shall enforce this part within the territorial area of its city, county, or city and county. The responsibility for enforcing Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code in its application under this part shall be by such building department within the territorial area of its city, county, or city and county.

"Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

SEC. 2. The provisions of Part 5.5 (commencing with Section 19955) of Division 13 of the Health and Safety Code shall become operative on July 1, 1970.

CHAPTER 1561

An act to amend Sections 33131, 33334, 33396, and 33416 of, and to add Section 33142 to, the Health and Safety Code, and to amend Section 214 of the Revenue and Taxation Code, relating to community redevelopment and housing.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 33131 of the Health and Safety Code is amended to read:

33131. An agency may:

(a) From time to time prepare and carry out plans for the improvement, rehabilitation, and redevelopment of blighted areas.

(b) Disseminate redevelopment information.

(c) Prepare applications for various federal programs and grants relating to housing and community development and plan and carry out such programs within authority otherwise granted by this part, at the request of the legislative body.

SEC. 2. Section 33142 is added to the Health and Safety Code, to read:

33142. The legislative body of the community shall file with the Secretary of State a certified copy of any ordinance suspending or dissolving an agency pursuant to Section 33140 or 33141.

SEC. 3. Section 33334 of the Health and Safety Code is amended to read:

33334. Every redevelopment plan shall describe generally the proposed method of financing the redevelopment of the project area.

SEC. 4. Section 33396 of the Health and Safety Code is amended to read:

33396. An agency at the request of the legislative body of the community may accept a conveyance of real property (located either within or outside a survey area) owned by a public entity and declared surplus by the public entity, or owned by a private entity.

The agency may dispose of such property to private persons or to public or private entities, by sale or long-term lease for development. All or any part of the funds derived from the sale or lease of such property may at the discretion of the legislative body of the community be paid to the community, or to the public entity from which any such property was acquired.

SEC. 5. Section 33416 of the Health and Safety Code is amended to read:

33416. In order to facilitate the rehousing of families and single persons displaced by any governmental action, an agency, at the request of the legislative body of the community, may dispose of the real property acquired under the provisions of Section 33396, by sale or long-term lease, for use as, or development of, housing for such displaced persons.

SEC. 6. Section 214 of the Revenue and Taxation Code is amended to read:

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the

immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is used for the actual operation of the exempt activity, and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation, dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for nursery school purposes and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for a noncommercial educational FM broadcast station or an educational television station and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for housing and related facilities for elderly or handicapped families and financed by the federal government pursuant to Section 202 of Public Law 86-372 (12 U.S.C. 1701q), as amended, or Section 236 of Public Law 90-448 (12 U.S.C. 1715z), and owned and operated by religious, hospital, scientific or charitable funds, foundations or corporations meeting all of the requirements of this section shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

CHAPTER 1562

An act to add Part 9 (commencing with Section 37500) to Division 24 of the Health and Safety Code, relating to housing.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Part 9 (commencing with Section 37500) is added to Division 24 of the Health and Safety Code, to read:

PART 9. LOW-INCOME HOME OWNERSHIP TRAINING

CHAPTER 1. LEGISLATIVE FINDINGS

37500. The Legislature finds that a limited supply of low-rent public housing units exist in this state to serve the housing needs of low-income families.

37501. The Legislature further finds and declares that housing is frequently denied low-income families because of their performance in home management and maintenance.

37502. The Legislature further finds and declares that the solution to the low-rent housing problem in the state must

come from the efforts of both the private and the public sector, and that legislative proposals which can promote a joint effort by these sectors are in the best interests of the people of the state.

37503. The Legislature further finds and declares that existing federal programs providing low-rent housing in private accommodations and home ownership opportunities for low-income families can contribute greatly toward individual self-sufficiency and greater public acceptance of low-income housing.

37504. If is therefore the policy of the Legislature of the State of California to encourage local housing authorities to provide adequate training to low-income families in home management and maintenance with particular emphasis upon the basic rights and responsibilities of home ownership. Supplemental financial assistance will be made available to housing authorities for use in training low-income families and providing them with the necessary qualifications to live meaningful lives in low-rent private accommodations.

CHAPTER 2. CALIFORNIA LOW-INCOME HOME OWNERSHIP TRAINING AND MANAGEMENT PROGRAM

37510. There is hereby established the California Low-Income Home Ownership Training and Management Program to be administered by the Director of Housing and Community Development pursuant to the provisions of this part.

37511. The Director of Housing and Community Development shall adopt such reasonable regulations concerning the California Low-Income Home Ownership Training and Management Program as are necessary to reasonably implement the provisions of this part.

37512. The Director of Housing and Community Development, in the administration of the provisions of this part, shall consult with an advisory committee which he shall appoint and which shall serve during his tenure as director. The committee shall consist of five members. Of these, three members shall be appointed from and be representative of the following areas: one from the real estate industry, one from the savings and loan industry, and one from local government. Two members shall be appointed from the public at large.

37513. The Director of Housing and Community Development is authorized to make grants to any duly established housing authority or nonprofit organization or developer of housing under the provisions of Section 235 of the National Housing Act (12 U.S.C. 1715z) for families whose incomes for continued occupancy in public housing does not exceed the income limits of local housing authorities for the applicant community. These grants shall be made to assist in the establishment of a home ownership training and management program by the authority, nonprofit organization, or developer. To qual-

ify for such a grant, an applicant shall submit to the director an application showing a comprehensive plan for the training and qualification of low-income families, presently occupying conventional public housing, for home ownership.

37514. The Department of Housing and Community Development shall implement this program as a pilot study, limited to housing authorities and other nonprofit organizations, and as part of the study shall select applicants from at least four major urban centers, as determined by the department, to determine the desirability of preoccupancy training for housing low-income families. The department shall make a final report of its findings and recommendations to the Legislature not later than March 15, 1972.

37515. It is the intent of the Legislature that the provisions of Section 204 of Public Law 90-577 shall be utilized to the extent necessary to accomplish the maximum acquisition and utilization of federal funds available for programs under this part in the most direct and efficient manner.

37516. This part shall be operative notwithstanding the provisions of Section 37111.

37517. This part shall terminate on June 30, 1972.

CHAPTER 1563

An act to add Article 2.7 (commencing with Section 290) to Chapter 2 of Part 1 of Division 1 of, and to add Sections 304 and 305 to, the Health and Safety Code, relating to health care.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 2.7 (commencing with Section 290) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 2.7. Prenatal Care

290. Every licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman, or attending such woman at time of delivery, shall obtain or cause to be obtained a blood specimen of such woman at the time of the first professional visit or within 10 days thereafter in the case of prenatal care and within 24 hours of delivery if not obtained prior to delivery.

291. (a) The blood specimen obtained shall be submitted to a licensed clinical laboratory for a determination of rhesus (Rh) blood type and the results reported (1) to the physician and surgeon or other person engaged in the prenatal care of

the woman or attending such woman at the time of delivery, and (2) to the woman tested.

(b) The State Board of Public Health shall adopt such rules and regulations as it determines are reasonably necessary for the implementation of the provisions of subdivision (a) of this section.

292. The provisions of this article shall not be applicable if the licensed physician and surgeon or other person engaged in the prenatal care of a pregnant woman or attending such woman at time of delivery has knowledge of the pregnant woman's blood type and accepts responsibility for the accuracy of such information.

293. The provisions of this article shall not apply if the pregnant woman objects to the test required by this article on the ground that the test conflicts with her religious beliefs or practices.

SEC. 2. Section 304 is added to the Health and Safety Code, to read:

304. Every licensed physician and surgeon or other person attending a newborn infant diagnosed as having had rhesus (Rh) isoimmunization hemolytic disease shall report such condition to the State Department of Public Health on report forms prescribed by the department.

SEC. 3. Section 305 is added to the Health and Safety Code, to read:

305. The State Department of Public Health shall report the number of reported cases of rhesus (Rh) isoimmunization hemolytic disease to the Legislature on the fifth legislative day of the 1971 Regular Session of the Legislature.

CHAPTER 1564

An act to add Article 3.5 (commencing with Section 5465) to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, relating to bonds.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Article 3.5 (commencing with Section 5465) is added to Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, to read:

Article 3.5. Bonds

5465. Notwithstanding any other provision of law, in any district which is authorized to provide sewer facilities and the district is authorized to incur bonded indebtedness after a favorable vote of two-thirds of the votes cast at an election held for that purpose, if at the last two such elections such a

favorable vote was not received, and if the health officer of the county in which the principal portion of the district is located makes a finding that the proceeds of any bond issue are necessary for the construction of sewage facilities essential to the public health and such officer certifies that a present dangerous hazard to the public health exists, and the governing body of such district or county shall, in conjunction with the public health officer, certify that they will cease and desist in any activity which may contribute to such hazard, and such finding is concurred in by the State Department of Public Health and the board of supervisors of such county as evidenced by resolution, or if the regional water quality control board issues an order to the district to cease and desist, and the fact of such order is stated in a resolution, then by resolution adopted by a four-fifths vote, the district board may call for a bond election and provide in the resolution calling for such election that bonds for the district for the amount stated may be issued and sold if a majority of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed. This section shall remain in effect until December 31, 1973, and shall have no force or effect after that date.

CHAPTER 1565

An act to add Chapter 12 (commencing with Section 19100) to Part 6 of Division 9 of, and Chapter 7 (commencing with Section 19700) to Part 2 of Division 10 as proposed to be added by S.B. 840 to, the Welfare and Institutions Code, relating to blind rehabilitation services.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Chapter 12 (commencing with Section 19100) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 12. VOCATIONAL REHABILITATION APPEALS BOARD

19100. There is in the Department of Rehabilitation a Vocational Rehabilitation Appeals Board consisting of five members, one of whom shall be designated chairman. The chairman and the members of the board shall be appointed by the Governor with the advice and consent of the Senate for terms of four years. Initially, however, one member shall be appointed for a term of two years, two members for terms of three years, and the final member and the chairman for a term of four years. The members of the board shall be selected for

their interest and leadership in activities to encourage and enable the disabled and otherwise disadvantaged to participate fully in the economic and social life of the community.

A majority of the members of the board shall be disabled persons who have overcome their disabilities, including those who have done so with the assistance of public agencies, and who are independently self-supporting in the regular businesses, professions, and occupations of the community.

19100.1. As used in this chapter:

(a) "Department" means Department of Rehabilitation.

(b) "Board" means Vocational Rehabilitation Appeals Board.

(c) "Client" means any person or organization applying for or receiving services or support from the department.

19101. The members of the board shall receive their actual and necessary traveling expenses incurred in the course of such duties.

19102. The members of the board shall meet regularly not less frequently than once a month. Special meetings may be called by the chairman, who shall notify the other members of the time and place of such meetings.

Three members of the board shall constitute a quorum for the performance of any duty or for the exercise of any power of the board.

19103. The provisions of this chapter relative to the granting of rehabilitation services and support shall be administered fairly to the end that all persons who are eligible and apply for such services and support shall receive the assistance to which they are entitled under state and federal statutes and regulations promptly and with due consideration for their needs.

Any applicant for, or recipient of, such assistance shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of his eligibility for assistance.

Any applicant for, or client of, the Department of Rehabilitation who is denied services or support, shall be notified in writing of the grounds on which such denial is based.

19104. If any applicant for, or client of, the department is dissatisfied with any action of the department relating to his application or receipt of services, or if any person who desires to apply for such assistance is refused the opportunity to submit a signed application therefor and is dissatisfied with such refusal, he shall, upon filing a request with the department within one year after the decision or action complained of, have a right to a review and redetermination by a member or members of the supervisory staff of the department. The review shall be held and the decision of the reviewer shall be rendered to the applicant or client within 15 days of the date the request was filed.

19105. Within 30 days after receiving the decision of the reviewer pursuant to Section 19104, if the applicant for, or client of, the department remains dissatisfied with any action of the department, he shall, upon filing a petition with the department, have the right to a fair hearing. The department shall set such hearings before the Vocational Rehabilitation Appeals Board and shall give all parties concerned written notice of the time and place of such hearing. At the hearing, the applicant or client may appear in person, or with a representative of his own choosing.

19106. In each appeal to the Vocational Rehabilitation Appeals Board, the written notification required by Section 19103 shall form part of the record. The board shall hear all relevant evidence and shall consider each hearing on the basis of the policies, rules, and regulations of the department and it shall render its decision promptly and in writing. The board shall be empowered to direct the department to grant all appropriate relief within the scope of this chapter.

19107. Any hearing before the board may be heard by the board or by a referee designated by the board.

If a hearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it, and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. The department shall mail a copy of the final decision promptly to each party. Only the board may make such final decision.

19108. Factual information relating to eligibility provided solely by the applicant for, or client of the department contained in applications and records made or kept by any public officer or agency in connection with the administration of any vocational rehabilitation program shall be open for inspection by the applicant or client to which the information relates and by any other person authorized in writing by such applicant or client. The written authorization shall be dated and signed by such applicant or client and shall expire one year from the date of execution. In the event of any hearing under the provisions of this chapter, the attorney or authorized representative of the applicant or client shall be entitled to inspect the case record relating to the applicant or client prior to, as well as during, the hearing.

19109. The applicant or client, within one year after receiving notice of the board's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or client for review of the board's decision. The board shall be the sole respondent in such proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior court

shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The applicant or client shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

19110. Notwithstanding any other provision of this chapter, if the United States Department of Health, Education, and Welfare issues a formal ruling that the authority granted to the Vocational Rehabilitation Appeals Board to make the final fair hearing decisions under this chapter renders the state's vocational rehabilitation plan out of conformity with federal requirements, such authority shall be vested in the director of the department during the time that such formal ruling is in effect. In such event the director of the department shall be the sole respondent in the proceedings referred to in Section 19109.

SEC. 2. Chapter 7 (commencing with Section 19700) is added to Part 2 of Division 10, as proposed to be added by Senate Bill 840, of the Welfare and Institutions Code, to read:

CHAPTER 7. VOCATIONAL REHABILITATION APPEALS BOARD

19700. There is in the department a Vocational Rehabilitation Appeals Board consisting of five members, one of whom shall be designated chairman. The chairman and the members of the board shall be appointed by the Governor with the advice and consent of the Senate for terms of four years. Initially, however, one member shall be appointed for a term of two years, two members for terms of three years, and the final member and the chairman for a term of four years. The members of the board shall be selected for their interest and leadership in activities to encourage and enable the disabled and otherwise disadvantaged to participate fully in the economic and social life of the community.

A majority of the members of the board shall be disabled persons who have overcome their disabilities, including those who have done so with the assistance of public agencies, and who are independently self-supporting in the regular businesses, professions, and occupations of the community.

19700.1. As used in this chapter "client" means any person or organization applying for or receiving services or support from the department.

19701. The members of the board shall receive their actual and necessary traveling expenses incurred in the course of such duties.

19702. The members of the board shall meet regularly not less frequently than once a month. Special meetings may be called by the chairman, who shall notify the other members of the time and place of such meetings.

Three members of the board shall constitute a quorum for the performance of any duty or for the exercise of any power of the board.

19703. The provisions of this chapter relative to the granting of rehabilitation services and support shall be administered fairly to the end that all persons who are eligible and apply for such services and support shall receive the assistance to which they are entitled under state and federal statutes and regulations promptly and with due consideration for their needs.

Any applicant for, or recipient of, such assistance shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of his eligibility for assistance.

Any applicant for, or client of, the Department of Rehabilitation who is denied services or support, shall be notified in writing of the grounds on which such denial is based.

19704. If any applicant for, or client of, the department is dissatisfied with any action of the department relating to his application or receipt of services, or if any person who desires to apply for such assistance is refused the opportunity to submit a signed application therefor and is dissatisfied with such refusal, he shall, upon filing a request with the department within one year after the decision or action complained of, have a right to a review and redetermination by a member or members of the supervisory staff of the department. The review shall be held and the decision of the reviewer shall be rendered to the applicant or client within 15 days of the date the request was filed.

19705. Within 30 days after receiving the decision of the reviewer pursuant to Section 19704, if the applicant for, or client of, the department remains dissatisfied with any action of the department, he shall upon filing a petition with the department, have the right to a fair hearing. The department shall set such hearing before the Vocational Rehabilitation Appeals Board and shall give all parties concerned written notice of the time and place of such hearing. At the hearing, the applicant or client may appear in person, or with a representative of his own choosing.

19706. In each appeal to the Vocational Rehabilitation Appeals Board, the written notification required by Section 19703 shall form part of the record. The board shall hear all relevant evidence and shall consider each hearing on the basis of the policies, rules, and regulations of the department and it shall render its decision promptly and in writing. The board shall be empowered to direct the department to grant all appropriate relief within the scope of this chapter.

19707. Any hearing before the board may be heard by the board or by a referee designated by the board.

If a hearing is not heard by the board, a report of the proceedings shall be prepared by the referee conducting it,

and the report, together with any data the party appealing may desire, shall be presented to the board for final decision. The department shall mail a copy of the final decision promptly to each party. Only the board may make such final decision.

19708. Factual information relating to eligibility provided solely by the applicant for, or client of the department contained in applications and records made or kept by any public officer or agency in connection with the administration of any vocational rehabilitation program shall be open for inspection by the applicant or client to which the information relates and by any other person authorized in writing by such applicant or client. The written authorization shall be dated and signed by such applicant or client and shall expire one year from the date of execution. In the event of any hearing under the provisions of this chapter, the attorney or authorized representative of the applicant or client shall be entitled to inspect the case record relating to the applicant or client prior to, as well as during, the hearing.

19709. The applicant or client, within one year after receiving notice of the board's final decision, may file a petition with the superior court, under the provisions of Section 1094.5 of the Code of Civil Procedure, praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. Such review, if granted, shall be the exclusive remedy available to the applicant or client for review of the board's decision. The board shall be the sole respondent in such proceedings.

No filing fee shall be required for the filing of a petition pursuant to this section. Any such petition to the superior court shall be entitled to a preference in setting a date for hearing on the petition. No bond shall be required in the case of any petition for review, nor in any appeal therefrom. The applicant or client shall be entitled to reasonable attorney's fees and costs, if he obtains a decision in his favor.

19710. Notwithstanding any other provision of this chapter, if the United States Department of Health, Education, and Welfare issues a formal ruling that the authority granted to the Vocational Rehabilitation Appeals Board to make the final fair hearing decisions under this chapter renders the state's vocational rehabilitation plan out of conformity with federal requirements, such authority shall be vested in the director of the department during the time that such formal ruling is in effect. In such event the director of the department shall be the sole respondent in the proceedings referred to in Section 19709.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill 840 is enacted by the Legislature at its 1969 Regular Session, and in such case at the same time as Senate Bill 840 takes effect, at which time Section 1 of this act is repealed.

CHAPTER 1566

An act to amend Section 2 of Chapter 1437 of the Statutes of 1968, relating to the study of harmful drugs, making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 2 of Chapter 1437 of the Statutes of 1968, is amended to read:

Sec. 2. The sum of thirty-five thousand dollars ($35,000) is hereby appropriated from the General Fund to the Department of Education for the purpose of continuing the conduct of the study required by this act.

This appropriation shall not be made available for expenditure until the Superintendent of Public Instruction has certified to the State Controller that a request for federal funds under Title V of the Elementary and Secondary Education Act of 1965, for purposes of the study to be conducted pursuant to Section 1, has been denied.

SEC. 2. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Department of Education for the purpose of continuing the conduct of the study required by Chapter 1437 of the Statutes of 1968.

CHAPTER 1567

An act to add Section 30825 to the Public Utilities Code, and to amend Section 7252 of, to add Section 7272.7 to, and to add Article 1.5 (commencing with Section 37010) to Part 17 of Division 2 of, the Revenue and Taxation Code, relating to transit districts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. The Legislature finds and declares that the purpose of the Transit District Public Transportation Improvement Fund provided for in this act and funded by the tax revenues of a one-half-of-1-percent transactions and use tax levied one time only for a six-month period by a transit district in the territory of a transit district is to aid in the solution of the existing financial problems confronting mass public transportation systems now operating in the territories of the districts, the continuance of which are a matter of state concern. Permitting the transit districts and cities operating public transportation systems on the effective date of this act to

make application to the State Business and Transportation Agency for a disbursement of funds collected under this act is a necessary provision of the general purpose to carry out the plan under this general law so that the desired public transportation operations and facilities will continue to be available to residents and the people of the state traveling in populous areas and requiring public transportation to be available in an orderly manner and at a time when all areas throughout the territory of the transit district most urgently need financial assistance to assure the continuance of public transportation services and facilities.

It is the intent of this Legislature that the authority granted to the board of directors of the transit district to levy the transactions and use taxes in the manner and for the purposes authorized by Article 1.5 (commencing with Section 37010) of Part 17 of Division 2 of the Revenue and Taxation Code, without approval of the voters as otherwise provided for by the principal act of the transit district, is to meet a critical financial condition; and is considered as an exception to the provisions of the principal act of the transit district and not as a precedent for the levy of similar taxes by the district board in the future.

SEC. 2. Section 30825 is added to the Public Utilities Code, to read:

30825. Notwithstanding any other provisions of this part, the board of directors of the district is authorized, by ordinance, to impose transactions and use taxes in conformity with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code but only for the period of time and for the purposes authorized by Article 1.5 (commencing with Section 37010) of Part 17 of Division 2 of the Revenue and Taxation Code.

SEC. 3. Section 7252 of the Revenue and Taxation Code, as amended by Chapter 180 of the Statutes of 1969, is amended to read:

7252. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District, the Santa Clara County Transit District and the Southern California Rapid Transit District.

SEC. 4. Section 7272.7 is added to the Revenue and Taxation Code, to read:

7272.7. The contract referred to in Section 37020 of this code shall provide that the district shall pay to the board its costs of preparation to administer and operate the transactions and use taxes ordinance. The district shall pay preparatory costs in accordance with the contract. Such costs include all preparatory costs including costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing of forms, developing instructions for the board's staff and for taxpayers, and other necessary preparatory costs which shall include the

board's direct and indirect costs as specified by Section 11256 of the Government Code. Any disputes as to the amount of preparatory costs incurred shall be resolved by the Director of Finance and his decision shall be final. The maximum amount of all preparatory costs to be paid by the district shall not in any event exceed one hundred twenty-five thousand dollars ($125,000).

SEC. 5. Article 1.5 (commencing with Section 37010) is added to Part 17 of Division 2 of the Revenue and Taxation Code, to read:

Article 1.5. Transit District Public Transportation Improvement Fund

37010. The provisions of this article shall be applicable only within counties having a population of 6,000,000 persons or more as determined by the last federal decennial census. The powers of taxation and use of revenues derived therefrom authorized by this article shall control and govern over any provision to the contrary in this part or in the principal act of any transit district.

37011. As used in this article the following terms have the meaning ascribed to them in this section unless the context otherwise requires:

(a) "Transit District Public Transportation Improvement Fund" or "fund" means the moneys on deposit in the treasury of the transit district, which are collected under this article to carry out the purposes of this article. Each transit district imposing transactions and use taxes pursuant to this article shall establish such a fund in its treasury.

(b) "City or transit district transportation improvement account" means an account established in the fund of the transit district for the allocation of moneys to the transit district or cities to carry out the purposes of this article.

(c) "Transit district" means a public district 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.

(d) "City" includes a city and county, and means a city which operated for one year prior to the effective date of this section a public transportation system, including any nonprofit corporation or other legal entity wholly owned and controlled by a city.

(e) "Public transportation system" means any system for the mass transportation of public passengers operated by a city or transit district in which the mode of transporting passengers is by rail, bus or other vehicles which are operated as grade separated or in conjunction with other vehicular traffic on public streets, highways, freeways, and bridges.

(f) "Secretary" means the Secretary of the State Business and Transportation Agency or his duly authorized representative.

(g) "Total miles" means the total number of miles the public passenger conveyances of a public transportation system traveled, both in and out of regular passenger service, between July 1, 1968, and June 30, 1969, inclusive.

37012. It is the intent of this article to use the existing statutory procedures and departments of the state in order to facilitate the administration of this article.

37013. All moneys collected by the State Board of Equalization from the transactions and use tax levied under this article shall be transmitted by the board to the district periodically as promptly as feasible. The transmittals shall be made at least twice in each calendar quarter. All such funds received by the district shall be deposited in its Transit District Public Transportation Improvement Fund to be administered by the secretary and disbursed by the district treasurer in the manner provided for in this article.

The district treasurer shall reimburse the State Business and Transportation Agency for its actual and necessary costs incurred in administering this article out of moneys deposited in the fund by allocating such costs on a pro rata basis to the transit district and cities on the mileage allocation formula set forth in Section 37018.

37014. All moneys deposited in a Transit District Public Transportation Improvement Fund shall be available for expenditure in carrying out the provisions of this article. Each transit district or city shall keep and maintain accurate and complete records of the expenditures or uses made of such funds.

37015. Moneys deposited in the Transit District Public Transportation Improvement Fund shall upon claims presented to him by the secretary be disbursed by the district treasurer to the transit district and to cities located in the territory of the transit district which levies a transactions and use tax as provided in this article. A transit district or city shall annually after the effective date of this article file with the secretary a budget or a financial plan for the following year explaining and describing the public transportation system which it provides in the area of its operations accompanied by such other documents as may be requested by the secretary, including annual financial statements accompanied by a report of certified public accountants, and information to show operating and capital financial expenses and requirements, needed capital improvements or repairs, a statement of financial needs, payments of principal and interest on bonded or other indebtedness, depreciation, and any other documents or information related to the operation of its system or the financing thereof.

Prior to the time the secretary authorizes any disbursements pursuant to this article, each city and transit district entitled to file a claim shall file a verified statement of the total miles its public passenger conveyances traveled between July 1, 1968, and June 30, 1969, inclusive.

37016. After the secretary has received the budgets or financial plans and other information described under Section 37015, the secretary shall review them. The secretary shall promulgate rules and regulations for the disbursement of the moneys deposited in each Transit District Public Transportation Improvement Fund to the separate accounts of the transit district and of the cities. The rules and regulations may be revised by the secretary from time to time. Such rules and regulations shall provide for the orderly and periodic distribution of funds to the transit districts or cities operating public transportation systems so that in the areas in which the transit district or cities provide services there will be a continued orderly improvement or maintenance of the systems by the use of moneys disbursed from the fund.

37017. A transit district or city which has filed a budget or financial plan as required by Section 37015 may request the quarterly or monthly disbursement of funds from its account by filing with the secretary a public transportation claim, in the form provided in the rules and regulations of the secretary, setting forth its estimated financial needs required to meet its capital and operating requirements, including current acquisition or replacement of rolling stock, construction of facilities, expenses for repairs, maintenance and depreciation, and the payment of principal and interest on its bonded indebtedness or other indebtedness, including equipment trust certificates. The public transportation claim filed by the transit district or cities shall evidence the actual need of financial assistance for its expenditures and operations over its financial receipts and revenues available to meet such expenditures and operations from all sources as estimated and filed with the secretary for the following year (or part thereof in the case of the first year). Such budget period shall be on either a fiscal period, commencing on the first day of July of one year and ending on the last day of June of the following year, or on a calendar year basis, unless a different time or period is authorized or permitted by the secretary. The secretary shall review the budgets and financial plans filed by the transit district or cities and shall, from an analysis and evaluation thereof, determine the estimated financial assistance required for the current year by each such transit district or city which amount when determined shall constitute and be called the approved annual public transportation claim of the transit district or cities. The approved annual public transportation claim shall be transmitted by the secretary to the district treasurer who may rely upon it in making quarterly or monthly disbursements, as the case may be. The transit district or city

shall be entitled to withdraw such amount of money annually from the fund during the year (or part thereof in the case of the first year) if such moneys are available to a transit district or city as provided in this article based upon the maximum amount of moneys in its account available to be disbursed and against which the transit district or city is entitled to withdraw. The approved annual public transportation claim of the transit district or city shall be reviewed by the secretary and may be redetermined, upon his own action, or upon the request of a transit district or city, either during the current year or thereafter, if the annual financial needs of the transit district or city differs substantially from that of the approved annual public transportation claim. The secretary in determining such approved annual public transportation claims shall have full access to the books, records and accounts of any transit district or city.

37018. The secretary before approving the annual public transportation claims and transmitting them to the district treasurer shall have first ascertained from the district treasurer the amount of money available to the transit district and to each city. A transit district or city shall be eligible to withdraw from the moneys collected from a one-time levy of the one-half-of-1-percent transactions and use tax and deposited in the particular transit district fund those moneys in the account approved for expenditure by the secretary for the particular transit district or city. The district treasurer after having received a report from the State Board of Equalization transmitting the moneys collected and the moneys, less expenses or refunds, have been deposited by the district treasurer, shall allocate to the account of each city located within the transit district and which operated for one year prior to the operative date of this section a public transportation system a portion of the moneys collected under the transactions and use tax levied in the territory of the transit district in which each city is located based upon the proportion which the total miles traveled by the conveyances of each public transportation system operated by a city bears to the total miles traveled by the conveyances of all public transportation systems operated by the district and cities entitled to a disbursement pursuant to this article, as determined by the secretary. The balance of the moneys collected and deposited in the Transit District Public Transportation Improvement Fund from the one-time six-month levy of the transactions and use tax in the territory of the particular transit district shall be allocated by the district treasurer to the account of the transit district which levied the transactions and use tax. The moneys so allocated and held in the account of each transit district or city shall be expended and disbursed as provided in this article. Interest received upon moneys held by the treasurer of the transit district pursuant to this article shall be allocated to the accounts of the transit district or cities in proportion to

the amounts of money allocable to the respective accounts of the transit district or cities.

37019. If at any time the secretary determines that it is in the public interest that a revised budget or financial plan be filed by a transit district or city, or that because of changed conditions or circumstances that a transit district or city should be granted an amount different from its approved annual public transportation claim, the secretary shall so direct and authorize the filing of an amended, revised or new estimated budget or financial plan and may issue an amended, revised or new approved annual public transportation claim for that year. In considering the amount of money estimated to be collected and available for distribution and disbursement the secretary shall take into consideration any funds not allocated or expended under an approved public transportation claim during a preceding year or years. The secretary is furthermore authorized to permit a transit district or city to file an estimated budget or financial plan and to issue an approved public transportation claim covering its financial needs over a period of more than one year, but not to exceed four years, if the financial requirements of the transit district or city demand, because of factors or conditions related to its transportation system, the planning of capital or operating expenditures for more than a one-year period after taking into consideration the maximum amount which the transit district or city has deposited to its account and which it may reasonably be entitled to be eligible to withdraw before its particular separate account is exhausted. The secretary may take into consideration in administering this program all income, including subsidies, tax revenues or other sources of income, which any transit district or city receives or may become entitled to receive during the period for which an approved public transportation claim may be effective.

37020. After the effective date of this article, the board of directors of a transit district may, by ordinance, impose one time only for a period of not to exceed six months a one-half-of-1-percent transactions and use tax as provided under the provisions of Part 1.6 (commencing with Section 7251) of this division without the approval of the voters as is, or may be, otherwise required under this code or the principal act of the transit district. The taxes collected by the State Board of Equalization shall be transmitted to the district to be deposited in the Transit District Public Transportation Improvement Fund in the district treasury and used for the purposes provided in this article within the territory of the transit district which levied the tax. Any transactions and use taxes ordinance adopted pursuant to this article shall be operative on the first day of the first calendar quarter commencing more than 180 days after the enactment of the ordinance. The ordinance shall automatically be repealed after the tax has been in effect for

a period of six months, and cannot be levied by a transit district a second time.

Prior to the operative day of the ordinance the transit district shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of the ordinance. If the transit district shall not have contracted with the State Board of Equalization prior to the operative date of its ordinance, it shall nevertheless so contract and in such case the operative date shall be the first day of the first calendar quarter following the execution of the contract.

SEC. 6. 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.

CHAPTER 1568

An act to add Chapter 5.10 (commencing with Section 5799.51) to Division 6 of the Education Code, relating to outstanding educators.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Chapter 5.10 (commencing with Section 5799.51) is added to Division 6 of the Education Code, to read:

CHAPTER 5.10. OUTSTANDING EDUCATORS

5799.51. The State Board of Education shall annually designate not more than 20 principals of elementary schools as Outstanding Educators of the Year.

5799.52. The State Board of Education shall notify all school districts of the provisions of this chapter.

5799.53. An individual shall be designated an Outstanding Educator of the Year on the basis of the following criteria:

(a) The individual is a principal of an elementary school in which a program under the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6) is maintained, is a principal of an elementary school maintaining a compensatory education program in an area designated under Section 6482, or is a principal of an elementary school meeting both of the above criteria.

(b) The State Board of Education shall rank all schools which maintained the programs specified in subdivision (a) during the preceding year. The ranking shall be based on a

distribution of the number of months of progress achieved for each year the pupils have been in school, as measured by uniform statewide achievement tests.

(c) The principals of schools whose students exhibit the largest rate of achievement growth in reading as measured by the test administered pursuant to Section 5779 shall be designated as Outstanding Educators of the Year.

5799.54. The State Board of Education shall award the title of Outstanding Educator of the Year in a regular school public hearing and shall distribute an analysis of the educational programs maintained by the principals receiving the award.

SEC. 2. The provisions of this act shall remain in effect until the 91st day after the final adjournment of the 1973 Regular Session of the Legislature, and shall have no force or effect after that date.

CHAPTER 1569

An act to amend Section 10293 of the Insurance Code, relating to insurance.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 10293 of the Insurance Code is amended to read:

10293. (a) The commissioner shall, after notice and hearing, withdraw approval of an individual hospital, medical or surgical policy if after consideration of all relevant factors the commissioner finds that the benefits provided under such policy are unreasonable in relation to the premium charged. The commissioner shall, 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 to establish the standard or standards by which he shall withdraw approval of any such policy. 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, and shall be effective 90 days after adoption by the commissioner.

(b) Unless the commissioner specifies otherwise in writing in the withdrawals, or subsequent thereto, grants an extension, any such withdrawal shall be effective prospectively and not retroactively on the 91st day following the mailing or delivery of the withdrawal.

CHAPTER 1570

An act to amend Section 23754 of the Education Code, relating to state college employees.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 23754 of the Education Code is amended to read:

23754. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars ($360) per year, except that the rate of tuition to be paid by each nonresident student who is a citizen and resident of a foreign country shall be two hundred fifty-five dollars ($255) per year.

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this state or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

No admission fee or tuition fee shall be required of any student who is a full-time employee of the California State Colleges or who is the child or spouse of a full-time employee of the California State Colleges.

CHAPTER 1571

An act to amend Sections 1812.80, 1812.81, 1812.82, 1812.83, 1812.84, 1812.85, 1812.86, 1812.87, 1812.88, 1812.89, 1812.91, and 1812.92 of, to amend the heading of Title 2.5 (commencing with Section 1812.80) of, and to add Title 2.4 (commencing with Section 1812.50) to, Part 4 of Division 3 of, and to repeal Sections 1812.96, 1812.97, 1812.98, 1812.99, and 1812.995 of, the Civil Code, relating to dance studio contracts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Title 2.4 (commencing with Section 1812.50) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 2.4. CONTRACTS FOR DANCE STUDIO LESSONS AND OTHER SERVICES

1812.50. (a) The Legislature finds that there exists in connection with a substantial number of contracts for dance studio lessons and other services, sales practices, and business and financing methods which have worked a fraud, deceit, imposition, and financial hardship upon the people of this state; that existing legal remedies are inadequate to correct these abuses; that the dance studio industry has a significant impact upon the economy and well-being of this state and its local communities; and that the provisions of this title relating to such contracts are necessary for the public welfare.

(b) The Legislature declares that the purpose of this title is to safeguard the public against fraud, deceit, imposition and financial hardship, and to foster and encourage competition, fair dealing, and prosperity in the field of dance studio lessons and other services by prohibiting or restricting false or misleading advertising, onerous contract terms, harmful financial practices, and other unfair, dishonest, deceptive, destructive, unscrupulous, fraudulent and discriminatory practices by which the public has been injured in connection with contracts for dance studio lessons and other services.

1812.51. As used in this title, "contract for dance studio lessons and other services" means a contract for instruction in ballroom or other types of dancing, and includes lessons and other services, whether given to students individually or in groups. This title does not include contracts for professional services rendered or furnished by a person licensed under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code or contracts for instruction at schools operating pursuant to the provisions of the Education Code.

1812.52. Every contract for dance studio lessons and other services shall be in writing and shall be subject to the provisions of this title. A copy of the written contract shall be given to the customer at the time he signs the contract.

1812.53. (a) No contract for dance studio lessons and other services shall require payment by the person receiving the lessons and other services or the use of the facilities of a total amount in excess of two thousand five hundred dollars ($2,500).

(b) No contract for dance studio lessons and other services shall require payments or financing by the buyer over a period in excess of two years from the date the contract is entered into, nor shall the term of any such contract be measured by the life of the buyer. However, the lessons and other services

to be rendered to the buyer under the contract may extend over a period not to exceed seven years from the date the contract is entered into.

(c) All contracts for dance studio lessons and other services which may be in effect between the same seller and the same buyer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this title.

1812.54. (a) Every contract for dance studio lessons and other services shall provide that performance of the agreed-upon lessons will begin within 12 months from the date the contract is entered into.

(b) Every contract for dance studio lessons and other services shall further provide:

(1) That such contract may be canceled within 180 days after the date of receipt by the customer of a copy of the contract by written notice to the other party at the address specified in the contract, and all moneys paid pursuant to such contract shall be refunded within 10 days of receipt of the notice of cancellation, except that payment shall be made for any dance studio lessons and other services received prior to such cancellation.

(2) That such contract may be canceled after 180 days after the date of receipt by the customer of a copy of the contract by written notice to the other party at the address specified in the contract, and the student canceling such contract shall be thereafter entitled to a refund, within 10 days of receipt by the dance studio of notice of cancellation, of all moneys paid pursuant to the canceled contract with the exception that the dance studio shall be entitled to 10 percent of the unpaid balance pursuant to the terms of the canceled contract, and except further that, in addition to the foregoing, payment shall be made for any dance studio lessons and other services received prior to such cancellation.

(c) Every contract for dance studio lessons and other services shall contain a written statement of the hourly rate for the lessons and other services. Such statement shall be contained in the contract before the contract is signed by the buyer.

1812.55. No contract for dance studio lessons and other services shall require or entail the execution of any note or series of notes by the buyer which, when separately negotiated, will cut off as to third parties any right of action or defense which the buyer may have against the seller.

1812.56. No right of action or defense arising out of a contract for dance studio lessons and other services which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith ,and for value unless the assignee gives notice of the assignment to the buyer as provided in this section and, within 30 days of the mailing of notice, receives no written notice of

the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he shall, within 30 days of the date of mailing of the notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the lessons and other services, the contract balance, and the number and amount of the installments.

1812.57. (a) Every contract for dance studio lessons and other services shall contain a clause providing that if, by reason of death or disability, the person agreeing to receive lessons and other services is unable to receive all lessons and other services for which he has contracted, he and his estate shall be relieved from the obligation of making payment for lessons and other services other than those received prior to death or the onset of disability, and that if he has prepaid any sum for lessons and other services so much of such sum as is allocable to lessons and other services he has not taken shall be promptly refunded to him or his representative.

(b) In every case in which a person has prepaid a sum for lessons and other services under a contract for dance studio lessons and other services, and, by reason of death or disability, is unable to receive all such lessons and other services, the party agreeing to furnish such lessons and other services shall, on request, immediately refund to such person or his personal representative such amount of the sum prepaid as is proportionate to the amount of lessons and other services not received.

(c) Notwithstanding the provisions of any contract to the contrary, whenever the contract price is payable in installments and the buyer is relieved from making further payments or entitled to a refund under this section, the amount of the contract price allocable to lessons and other services not received shall represent at least as great a proportion of the total contract price as the sum of the periodic monthly balances not yet due bears to the sum of all the periodic monthly balances under the schedule of installments in the contract.

1812.58. The provisions of this title are not exclusive and do not relieve the parties or the contracts subject thereto from compliance with all other applicable provisions of law.

1812.59. Any contract for dance studio lessons and other services which does not comply with the applicable provisions of this title shall be void and unenforceable as contrary to public policy.

1812.60. Any contract for dance studio lessons and other services entered into in reliance upon any willful and false, fraudulent, or misleading information, representation, notice, or advertisement of the seller shall be void and unenforceable.

1812.61. Any waiver of the buyer of the provisions of this title shall be deemed contrary to public policy and shall be void and unenforceable.

1812.62. (a) Any buyer injured by a violation of this title may bring an action for the recovery of damages. Judgment may be entered for three times the amount at which the actual damages are assessed plus reasonable attorney fees.

(b) Notwithstanding the provisions of this title, any failure to comply with any provision of this title may be corrected within 30 days after the execution of the contract by the buyer, and, if so corrected, neither the seller nor the holder shall be subject to any penalty under this title, provided that any correction which increases any monthly payment, the number of payments, or the total amount due, must be concurred in, in writing, by the buyer. "Holder" includes the seller who acquires the contract, or, if the contract is purchased by a financing agency or other assignee, the financing agency or other assignee.

1812.63. 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 any 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.

1812.64. 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. A copy of such bond shall be filed with the Secretary of State.

1812.65. The bond required by Section 1812.64 shall be in favor of the State of California for the benefit of any person who, after entering into a contract for dance studio lessons and other 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.

1812.66. In lieu of furnishing the bond required by Section 1812.64 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.

1812.67. Sections 1812.64 to 1812.66, inclusive, do not apply to any dance studio which does not require prepayment for lessons or other services.

1812 68. If any provision of this title or the application thereof to any person or circumstances is held unconstitutional, the remainder of the title and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 2. The heading of Title 2.5 (commencing with Section 1812.80) of Part 4 of Division 3 of the Civil Code is amended to read:

TITLE 2.5. CONTRACTS FOR HEALTH STUDIO SERVICES

SEC. 3. Section 1812.80 of the Civil Code is amended to read:

1812.80. (a) The Legislature finds that there exists in connection with a substantial number of contracts for health studio services, sales practices and business and financing methods which have worked a fraud, deceit, imposition, and financial hardship upon the people of this state; that existing legal remedies are inadequate to correct these abuses; that the health studio industry has a significant impact upon the economy and well-being of this state and its local communities; and that the provisions of this title relating to such contracts are necessary for the public welfare.

(b) The Legislature declares that the purpose of this title is to safeguard the public against fraud, deceit, imposition and financial hardship, and to foster and encourage competition, fair dealing, and prosperity in the field of health studio services by prohibiting or restricting false or misleading advertising, onerous contract terms, harmful financial practices, and other unfair, dishonest, deceptive, destructive, unscrupulous, fraudulent and discriminatory practices by which the public has been injured in connection with contracts for health studio services.

SEC. 4. Section 1812.81 of the Civil Code is amended to read:

1812.81. As used in this title, "contract for health studio services" means a contract for instruction, training or assistance in physical culture, bodybuilding, exercising, reducing, figure development, or any other such physical skill, or for the use by an individual patron of the facilities of a health studio, gymnasium or other facility used for any of the above purposes, or for membership in any group, club, association or organization formed for any of the above purposes; but does not include contracts for professional services rendered or furnished by a person licensed under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code or contracts for instruction at schools operating pursuant to the provisions of the Education Code.

SEC. 5. Section 1812.82 of the Civil Code is amended to read:

1812.82. Every contract for health studio services shall be in writing and shall be subject to the provisions of this title. A copy of the written contract shall be given to the customer at the time he signs the contract.

SEC. 6. Section 1812.83 of the Civil Code is amended to read:

1812.83. All contracts for health studio services, which may be in effect between the same seller and the same buyer, the terms of which overlap for any period, shall be considered as one contract for the purposes of this title.

SEC. 7. Section 1812.84 of the Civil Code is amended to read:

1812.84. No contract for health studio services shall require payments or financing by the buyer over a period in excess of two years from the date the contract is entered into, nor shall the term of any such contract be measured by the life of the buyer; provided, however, that the services to be rendered to the buyer under the contract may extend over a period not to exceed seven years from the date the contract is entered into.

SEC. 8. Section 1812.85 of the Civil Code is amended to read:

1812.85. 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.

SEC. 9. Section 1812.86 of the Civil Code is amended to read:

1812.86. 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).

SEC. 10. Section 1812.87 of the Civil Code is amended to read:

1812.87. No contract for health studio services shall require or entail the execution of any note or series of notes by the buyer which when separately negotiated will cut off as to third parties any right of action or defense which the buyer may have against the seller.

SEC. 11. Section 1812.88 of the Civil Code is amended to read:

1812.88. No right of action or defense arising out of a contract for health studio services which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment of the contract to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section and within 30 days of the mailing of notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he must, within 30 days of the date of mailing of the notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the services, the contract balance and the number and amount of the installments.

SEC. 12. Section 1812.89 of the Civil Code is amended to read:

1812.89. (a) Every contract for health studio services shall contain a clause providing that if, by reason of death or disability, the person agreeing to receive services is unable to receive all services for which he has contracted, he and his estate shall be relieved from the obligation of making payment for services other than those received prior to death or the onset of disability, and that if he has prepaid any sum for services, so much of such sum as is allocable to services he has not taken shall be promptly refunded to him or his representative.

(b) In every case in which a person has prepaid a sum for services under a contract for health studio services, and, by reason of death or disability, is unable to receive all such services, the party agreeing to furnish such services shall, on request, immediately refund to such person or his personal representative such amount of the sum prepaid as is proportionate to the amount of services not received.

(c) Notwithstanding the provisions of any contract to the contrary, whenever the contract price is payable in installments and the buyer is relieved from making further payments or entitled to a refund under this section, the amount of the contract price allocable to services not received shall represent at least as great a proportion of the total contract price as the sum of the periodic monthly balances not yet due bears to the sum of all the periodic monthly balances under the schedule of installments in the contract.

SEC. 13. Section 1812.91 of the Civil Code is amended to read:

1812.91. Any contract for health studio services which does not comply with the applicable provisions of this title shall be void and unenforceable as contrary to public policy.

SEC. 14. Section 1812.92 of the Civil Code is amended to read:

1812.92. Any contract for health studio services entered into in reliance upon any willful and false, fraudulent, or misleading information, representation, notice or advertisement of the seller shall be void and unenforceable.

SEC. 15. Section 1812.96 of the Civil Code is repealed.

SEC. 16. Section 1812.97 of the Civil Code is repealed.

SEC. 17. Section 1812.98 of the Civil Code is repealed.

SEC. 18. Section 1812.99 of the Civil Code is repealed.

SEC. 19. Section 1812.995 of the Civil Code is repealed.

CHAPTER 1572

An act to add Article 14 (commencing with Section 53940) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to a privilege tax on the maintenance of livestock animals for pleasure riding and trail use.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Article 14 (commencing with Section 53940) is added to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 14. Pleasure Riding Tax

53940. This article shall be known and may be cited as the "Pleasure Riding Tax Law."

53941. The Legislature finds and declares that the owners of pleasure riding animals receive special benefit from the use of public areas designated for use by such animals. It is the purpose of this article to provide for the acquisition and development of further public areas, including public riding and hiking trails, by a tax on those persons who receive special benefit from such public areas.

53942. Pursuant to the provisions of this article, a county or regional park district may levy a countywide or districtwide tax, respectively, on horses, mules, or other animals used substantially for pleasure riding or trail use, not to exceed ten dollars ($10) per animal per year, for the privilege of access to and use of public areas designated for use by such animals.

53944. For the purposes of this article, the following animals shall be deemed not to be used substantially for pleasure riding or trail use and shall be exempt from the pleasure riding tax, except that any stock animal so exempted shall be subject to the provisions of Section 53946:

(a) Any head of stock ridden or used by the owner, his family or his employee primarily in the carrying on of a business or ranch operation;

(b) Any head of stock used by the owner for rental use entirely upon private lands under the jurisdiction of the owner;

(c) Any head of stock used by the owner for rental use primarily upon a parcel of land belonging to the federal government if the taxing agency does not use the proceeds of a tax under this article for improvements within that parcel of land; and

(d) Any other class of animal specifically exempted by the taxing agency.

53945. Revenue derived from a tax imposed under this article shall be deposited in a special fund in the county treasury or district treasury. Such fund may be expended only for the acquisition and construction of trails for horseback riders and hikers, but moneys in the fund may be used as local matching moneys for any federal or state grant for such purposes or for matching funds in the acquisition and development of a federal or state trails project.

53946. As a method of collecting a tax imposed under this article, the taxing agency may make payment of the tax a condition precedent to utilization of riders and hikers' trails by any stock animal except that evidence of payment of such tax in any other county or district shall fulfill such condition.

53947. The taxing agency shall provide to the owner of such animal a record of payment, on durable material, for each animal for which a tax is paid under this article.

CHAPTER 1573

An act to amend Section 18252.3 of, and to repeal Section 18252.5 of, the Education Code, relating to automobile driver training.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 18252.3 of the Education Code is amended to read:

18252.3. A course of instruction in automobile driver education shall:

(a) Be of at least 2½ semester periods and shall be taught by a qualified instructor;

(b) Provide the opportunity for students to take driver education within the regular schoolday, and within the regular academic year, as defined in Section 5554. Additional classes may be offered at the discretion of the local school district governing board, the county superintendent of schools, California Youth Authority, and the State Department of Education, to accommodate those who have failed or those who cannot otherwise enroll in the regular schoolday program. For purposes of this section, the regular schoolday shall be that time during which classes are maintained in the courses of instruction provided for in Division 7 (commencing with Section 7501) of this code; and

(c) Be completed by the student within the academic year or summer session in which it was begun.

SEC. 2. Section 18252.5 of the Education Code is repealed.

CHAPTER 1574

An act to amend Sections 10163.5 and 10489.2 of the Insurance Code, relating to insurance.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 10163.5 of the Insurance Code is amended to read:

10163.5. (a) In the case of ordinary policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding 3½ percent per annum except that 4 percent may be used for all policies issued from January 1, 1970, through December 31, 1975, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; provided, that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured; provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table; provided further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

On or after January 1, 1961, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such company), this subdivision shall become operative with respect to the ordinary policies thereafter issued by such company. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1966.

(b) In the case of industrial policies issued on or after the operative date of this subdivision as defined herein, all adjusted premiums and present values referred to in this article shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding 3½ percent per annum except that 4 percent may be used for all policies issued from January 1, 1970, through December 31, 1975, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table. Provided, further, that for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the company and approved by the commissioner.

After the effective date of this amendatory act, any company may file with the commissioner a written notice of its election to comply with the provisions of this subdivision after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subdivision for such company), this subdivision shall become operative with respect to the industrial policies thereafter issued by such company. If a company makes no such election, the operative date of this subdivision for such company shall be January 1, 1968.

SEC. 2. Section 10489.2 of the Insurance Code is amended to read:

10489.2. The minimum standard for the valuation of all such policies and contracts shall be the commissioners reserve valuation method defined in Section 10489.3, 3½ percent interest except that the interest specified in subdivisions (c) and (d) of this section may be used for certain annuity and pure endowment contracts and 4 percent may be used for all policies issued and contracts entered into from January 1, 1970, through December 31, 1975, and the following tables:

(a) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death

benefits in such policies—the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of subdivision (a) of Section 10163.5, and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date; provided, however, that for any category of such policies issued on female risks modified net premiums and present values, referred to in Section 10489.3, may be calculated, at the option of the insurer, according to an age not more than three years younger than the actual age of the insured.

(b) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies—the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of subdivision (b) of Section 10163.5, and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

(c) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the 1937 Standard Annuity Mortality Table or, at the option of the company, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner; provided, however, that the minimum standard for such contracts issued from January 1, 1968, through December 31, 1968, with commencement of benefits deferred not more than one year from date of issue, may be, at the option of the company, 4 percent interest, and for contracts issued from January 1, 1969, through December 31, 1975, with commencement of benefits deferred not more than 10 years from date of issue and with premiums payable in one sum may be, at the option of the company, 5 percent interest.

(d) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies—the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the company, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts; provided, however, that the minimum standard for group annuities purchased or to be purchased with considerations received on or after January 1, 1968, through December 31, 1968, may be, at the option of the company, 4 percent interest, and for group annuities purchased or to be purchased with considerations received from January 1, 1969, through December 31, 1975, may be, at the option of the company, 5 percent interest

(e) For total and permanent disability benefits in or supplementary to ordinary policies or contracts—for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries,

with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the company, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(f) For accidental death benefits in or supplementary to policies—for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the company, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

(g) For group life insurance, life insurance issued on the substandard basis and other special benefits—such tables as may be approved by the commissioner.

CHAPTER 1575

An act to amend Section 7.6 of the Government Code, relating to government officers.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 7.6 of the Government Code is amended to read:

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position made exempt from civil service by operation of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. Not more than one such officer shall be represented by such a deputy at any meeting or session of a board, commission, committee or other governing body. The constitutional officer so designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible

for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

The Lieutenant Governor may designate any person in his office holding a position made exempt from civil service by operation of the Constitution to act as a deputy for the purposes of this section only, provided that the Lieutenant Governor may not appoint a person to act as a deputy for him at meetings of the Senate, or the State Lands Commission, or of the Regents of the University of California, or of the Trustees of the California State Colleges.

The Superintendent of Public Instruction may designate any person in his office holding a position made exempt from civil service by operation of the Constitution to act as a deputy for the purposes of this section, provided that the Superintendent of Public Instruction may not appoint a person to act as a deputy for him at meetings of the Trustees of the California State Colleges, the Regents of the University of California, or the Reapportionment Commission.

CHAPTER 1576

An act to add Sections 6506.5, 7852.5, 7890.5, 8042.5, 8044.5, 8045.5, 8254.5, and 8306.5, to the Fish and Game Code, relating to fish and game license fees and privilege taxes.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 6506.5 is added to the Fish and Game Code, to read:

6506.5. In addition to the fees provided for in this article, every person operating under an allotment shall pay a privilege tax of two cents ($0.02) per packed gallon or fraction thereof of shucked shellfish harvested by him from his allotment. If the shellfish are marketed in the shell, the tax shall be based on the equivalent yield of shucked shellfish meat.

In determining the yield of Pacific oysters it shall be deemed that one hundred (100) oysters will yield one packed gallon of shucked oyster meat.

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 6506 shall be inoperative until July 1, 1972.

SEC. 2. Section 7852.5 is added to the Fish and Game Code, to read:

7852.5. A commercial fishing license entitles the holder to take fish from April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. The license fee is twenty-five dollars ($25).

This section shall be operative April 1, 1970, and shall remain in effect only until April 1, 1972, and shall have no force or effect after that date. Section 7852 shall be inoperative until April 1, 1972.

SEC. 3. Section 7890.5 is added to the Fish and Game Code, to read:

7890.5. Upon payment of a fee of fifty dollars ($50) and filing of the required statement by the owner or operator of the vessel, the department shall issue a certificate of boat registration which is valid for the period April 1st to March 31st of the year following, or, if issued after the beginning of such term, for the remainder thereof. This certificate shall be carried aboard the vessel at all times posted in a conspicuous place.

This section shall be operative April 1, 1970, and shall remain in effect only until April 1, 1972, and shall have no force or effect after that date. Section 7890 shall be inoperative until April 1, 1972.

SEC. 4. Section 8042.5 is added to the Fish and Game Code, to read:

8042.5. The annual fees for licenses issued pursuant to this article are:

(a) For a fish canners and processors license issued to any person engaged in canning fish, except frozen or coldpack crustaceans, or manufacturing fish scraps, fishmeal, fish oil, chickenfeed, fertilizer, or other products from fish or fish offal, one hundred fifty dollars ($150).

(b) For a wholesale fish dealers and preservers license issued to any person preserving fish by the common methods of freezing, coldpacking, drying, salting, pickling, or smoking, or dealing by wholesale in fish taken from the waters of this state or brought into this state in a fresh condition, fifty dollars ($50).

Any person engaged in activities covered by both subdivision (a) and subdivision (b) is required to hold only the license designated in subdivision (a).

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 8042 shall be inoperative until July 1, 1972.

SEC. 5. Section 8044.5 is added to the Fish and Game Code, to read:

8044.5. Notwithstanding the other provisions of this article, every broker or importer of fish, mollusks or crustaceans who (a) sells to other brokers, importers or wholesalers only, (b) who buys from other brokers, importers or wholesalers only, (c) who does not receive fish from fishermen except fishermen who are also wholesalers, and (d) who is not required by Section 8045.5 or 8046 to pay a privilege tax, shall procure a fish broker and importer's license for each place of business.

Any person qualifying under the provisions of this section may procure a fish broker and importer's license in lieu of a license under Section 8040 and, upon doing so, shall not be required to comply with the provisions of Section 8045.5 and 8046.

The annual fee for the license issued pursuant to this section is one hundred dollars ($100). The license year shall be from July 1 to June 30 of the year following, or, if issued after the beginning of such term, for the remainder thereof.

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 8044 shall be inoperative until July 1, 1972.

SEC. 6. Section 8045.5 is added to the Fish and Game Code, to read:

8045.5. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay a privilege tax for each pound, or fraction thereof, of fish purchased, received, or taken by him in accordance with the following schedule:

	Rate per pound
(a) Mollusks and crustaceans irrespective of use, excluding squid and crab	$0.01
(b) Salmon, based on the weight in the round, irrespective of use	0.02
(c) Crab, irrespective of use	0.0015
(d) Rockfish (family Scorpaenidae) and flatfish (order Heterosomata), except for halibut, irrespective of use	0.0005
(e) Other fish, including halibut and squid, for bait or for human consumption except for canning	0.005
(f) All other fish, including squid, which are canned, or reduced, or for other than bait or human consumption	0.0005

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 8045 shall be inoperative until July 1, 1972.

SEC. 7. Section 8254.5 is added to the Fish and Game Code, to read:

8254.5. Lobsters may not be taken for commercial purposes except in Districts 18, 19, 20A and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe.

Every person who takes, assists in taking, possesses or transports lobsters while on any boat, barge or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line or other appliance to take lobsters, must have a valid lobster permit issued to him and must be in possession of said permit while engaged in any of such activities.

Such permits may be issued annually by the department and shall be for the period of the commercial lobster season. The permit fee is one hundred dollars ($100). However, any person who has had such a permit revoked may be required by the commission to appear before it and no new permit may be issued to such person unless the commission finds that such issuance will be in the best interests of lobster fishing.

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 8254 shall be inoperative until July 1, 1972.

SEC. 8. Section 8306.5 is added to the Fish and Game Code, to read:

8306.5. Abalones may not be taken for commercial purposes except under a revocable permit issued by the department under such regulations as the commission shall prescribe. The permit fee is one hundred dollars ($100).

Diving apparatus may be used to take abalones in water not less than 20 feet in depth in those portions of District 20 lying on the southerly side of Catalina Island between Southeast Rock and China Point, and in Districts 18, 19, and 20A, and in District 10 only in the waters lying south of Point Lobos. It is unlawful to take black abalones for commercial purposes, along the mainland coast, except as otherwise specifically authorized by this article.

This section shall be operative March 1, 1970, and shall remain in effect only until March 1, 1972, and shall have no force or effect after that date. Section 8306 shall be inoperative until March 1, 1972.

SEC. 9. The department shall report to the Legislature by January 1, 1971, commercial fishing program income and expenditures for fiscal year 1969–1970, and the proposed and actual commercial fishing program income and expenditures for the fiscal year, 1970–1971, identifying to the extent practicable those additional expenditures made possible by this act.

CHAPTER 1577

An act to add Article 6 (commencing with Section 18801) to Chapter 4 of Division 14 of the Education Code, relating to free or reduced-price meals for children, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

I object to the $5,000,000 appropriation in Senate Bill No 1393, and I hereby reduce said appropriation from $5,000,000 to $500,000. With this reduction, I approve the bill

RONALD REAGAN, Governor

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

SECTION 1. Article 6 (commencing with Section 18801) is added to Chapter 4 of Division 14 of the Education Code, to read:

Article 6. School Breakfast and Lunch Programs

18801. The Legislature finds and declares that hunger and malnutrition among children from low-income families constitute one of the most critical child health problems in the state; that federal programs to meet child nutrition needs are providing nourishing meals to thousands of the state's poverty area children who previously could not participate in school lunch programs; that federal funds allocated for child nutrition to California are inadequate to meet critical needs; that the state and local communities bear a responsibility towards meeting these needs; and that the physical well-being of all of the children of the state is a matter of public concern and expenditures to secure such well-being serves a public purpose.

18802. The Superintendent of Public Instruction shall allocate funds to each school district or any other public or private nonprofit school or agency approved by the Superintendent of Public Instruction which provides free or reduced-price meals to eligible children. Such allocation shall be at the rate of one dollar ($1) for each one dollar ($1) expended by the district or other public or private nonprofit school or agency during the preceding fiscal year in providing free or reduced-price meals to eligible children, and the money so allocated shall be used exclusively for such purpose.

No amount received by a school district or other public or private nonprofit school or agency pursuant to this article may be included in the computation of expenditures of the district, school, or agency for free or reduced-price meals.

18803. Each school district or other public or private nonprofit school or agency receiving reimbursement pursuant to the provisions of this article shall meet standards adopted by the Superintendent of Public Instruction for the following:

(a) The definition of a "meal" and at what price a given meal may be considered to be a "reduced-price meal."

(b) Standards for the eligibility of children to receive free or reduced-price meals.

(c) Standards for the protection of the identity of children for whom reimbursement is made pursuant to this article.

18804. No allocation or reimbursement of funds shall be made pursuant to this article to any public or private nonprofit school or agency in behalf of any child who resides on the premises of such school or agency.

SEC. 2. There is hereby appropriated from the General Fund to the Superintendent of Public Instruction the sum of five million dollars ($5,000,000) to be allocated by him pursuant to Article 6 (commencing with Section 18801) of Chapter 4 of Division 14 of the Education Code.

CHAPTER 1578

An act to amend Sections 6484, 6490, 6491, 6492, 6495, 6497, and 6498 of, and to add Section 6473.5 to, the Education Code, and to repeal Section 6 of Chapter 106 of the Statutes of 1966, First Extraordinary Session, relating to compensatory education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

I object to the $9,500,000 appropriation in Senate Bill No. 531 and I hereby eliminate this appropriation from the bill.
With this deletion, I approve the bill.
RONALD REAGAN, Governor

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

SECTION 1. Section 6473.5 is added to the Education Code, to read:

6473.5. The Director of Compensatory Education shall not recommend, and the State Board of Education shall not approve, a project or program in compensatory education without assurance that the teacher in the class in which the project or program is to be conducted and other certificated personnel required to provide services under the project or program hold a credential authorizing such service.

SEC. 1.5. Section 6484 of the Education Code is amended to read:

6484. Apportionments to a school district shall be in the form of grants, no part of which shall be required to be matched by a district as a condition to receiving state aid under this article.

In making allocations pursuant to this article the Director of Compensatory Education shall use an allocation factor equivalent to the average statewide teacher salary per full-time equivalent classroom teacher.

SEC. 2. Section 6490 of the Education Code is amended to read:

6490. It is the intent and purpose of the Legislature that exemplary programs be established for intensive instruction in reading and mathematics to serve as demonstration projects aimed solely at developing, within pupils, above-average competence in these basic skill subjects. The program shall be developed to serve pupils in grade 7, 8, or 9 who attend school in designated areas of disadvantage, and who otherwise would find difficulty in achieving complete success in high school.

It is the further intent of the Legislature that these programs in intensive instruction in reading and mathematics be operated by school districts directly, or by school districts through contract for partial or complete operation with any competent public or private agency, foundation or corporation. It is also the intent of the Legislature that authority be granted

to permit the waiver of any provision of the Education Code by the program approving agency, if such is necessary for the development of model demonstration programs in the intensive instruction in reading and mathematics.

SEC. 3. Section 6491 of the Education Code is amended to read:

6491. From the funds appropriated therefor by the Legislature to the Department of Education for the purposes of this article, the Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with the approval of the State Board of Education, shall administer this article and make apportionments to school districts to meet the total approved expense of the school districts incurred in establishing demonstration programs in the intensive instruction in reading and mathematics for pupils in grades 7, 8, or 9.

SEC. 4. Section 6492 of the Education Code is amended to read:

6492. The governing board of any district which maintains grades 7, 8, or 9 on account of any school or schools located in any area designated by the Director of Compensatory Education pursuant to the provisions of Education Code Section 6482, may make application to establish and operate a program under this article. The application shall be in the form and shall contain such data and information as the director shall specify.

SEC. 5. Section 6495 of the Education Code is amended to read:

6495. The State Board of Education shall adopt regulations setting forth the standards and criteria to be used in the evaluation of applications submitted by school districts. The standards and criteria adopted by the State Board of Education, among other items, shall include a statement of specific goals to be sought in the program both in terms of pupil achievement and for the purpose of establishing a model program, and the requirements for evaluation of the program.

Projects shall be approved only if it can be shown that, if successful, the cost effectiveness of the project will be such as to be adaptable within the budgets of other similar school districts throughout the state.

Projects shall be continually reviewed regarding their effectiveness in improving the achievement levels of pupils in reading and mathematics. Projects which are least cost effective shall be terminated and shall be replaced with ones of proven effectiveness or by new projects which hold promise of increased effectiveness.

SEC. 6. Section 6497 of the Education Code is amended to read:

6497. No later than the fifth legislative day of each regular session of the Legislature, the Superintendent of Public Instruction, upon recommendation of the Director of Com-

pensatory Education, with approval of the State Board of Education, shall submit a report to the Legislature on the implementation and evaluation of demonstration programs under this article, including the achievement of pupils, an analysis of the costs of each project detailed in terms of the costs of design, implementation and continuing operational expenses, including the degree of cost effectiveness of each project. The report shall also include recommendations concerning improvement, retention, extension or other aspects of the program.

SEC. 7. Section 6498 of the Education Code is amended to read:

6498. This article shall have no force or effect after the 91st day following the adjournment of the 1972 Regular Session of the Legislature.

SEC. 8. Section 6 of Chapter 106 of the Statutes of 1966, First Extraordinary Session, is repealed.

SEC. 9. The sum of nine million five hundred thousand dollars ($9,500,000) is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction, to be allocated as follows:

(a) For the reduction of the teacher-pupil ratio in classes conducted pursuant to the McAteer Act (Chapter 6.5 (commencing with Section 6450) of Division 6 of the Education Code) $6,500,000

(b) For the conduct of demonstration programs in intensive instruction in reading and mathematics for low-achieving pupils pursuant to Article 5 (commencing with Section 6490) of Chapter 6.5 of Division 6 of the Education Code ---------- $3,000,000

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the urgently needed programs provided by this act may be fully effectuated and continued through the 1971–1972 school year and that planning and procedural steps to continue these programs may be commenced as soon as possible, it is necessary that this act go into immediate effect.

CHAPTER 1579

An act to add Article 4 (commencing with Section 25524) to Chapter 3 of Division 18.5 of the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 4 (commencing with Section 25524) is added to Chapter 3 of Division 18.5 of the Education Code, to read:

Article 4. Extended Opportunity Programs and Services

25524. It is the intent of the Legislature that the California Community Colleges recognize the need and accept the responsibility for extending the opportunities for community college education to all who may profit therefrom regardless of economic, social and educational status. It is the intent and purpose of the Legislature to encourage local community colleges to establish and develop programs directed to identifying those students affected by language, social, and economic handicaps to establish and develop services, techniques, and activities directed to the recruitment of such students to and their retention in community colleges and to the stimulation of their interest in intellectual, educational and vocational attainment.

The Legislature finds that the establishment and development of extended opportunity programs and services are essential to the conservation and development of the cultural, social, economic, intellectual and vocational resources of the state.

25524.3. An "extended opportunity program or service" is an undertaking by a community college, to be taught by instructors approved by the governing board, in the form and in accordance with procedures prescribed by this article, which is over, above, and in addition to, the regular educational programs of the college, having as its purpose the provision of positive encouragement directed to the enrollment of students handicapped by language, social, and economic disadvantages, and to the facilitation of their successful participation in the educational pursuits of the college. Participation in an extended opportunity program or service shall not preclude participation in any other program which may be offered in the college.

25524.7. Definitions:

(a) "Board" means the Board of Governors of the California Community Colleges as created by Chapter 1.5 (commencing with Section 185) of Division 2.

(b) "District" means any school district in California that maintains one or more community colleges.

(c) "College" means a community college established by the governing board of a school district authorized to provide junior college instruction.

(d) "Extended opportunity program" means a special program or method of instruction designed to facilitate the lan-

guage, educational or social development of a student and increase his potential for success in the college.

(e) "Extended opportunity services" means a program of assistance designed to aid students with socioeconomic handicaps to permit them to enroll in and participate in the educational activities of the college.

25525. There is in the state government the Advisory Committee on Extended Opportunity Programs and Services. It shall be comprised of nine members appointed by the board, two members appointed by the Speaker of the Assembly and two members appointed by the Senate Committee on Rules. The nine members appointed by the board shall serve for four-year terms, except the first term of each shall be determined by lot at the first meeting of the board. Three shall serve for four years, three shall serve for three years, and three shall serve for two years. The two members appointed by the Speaker of the Assembly and the two members appointed by the Senate Committee on Rules shall serve at the pleasure of the respective appointing powers.

25525.3. The chairman and vice chairman of the committee shall be designated by the board from among the members appointed by the board.

25525.7. The members of the committee shall serve without compensation, but shall be reimbursed for necessary traveling and other expenses incurred in performing their duties and responsibilities.

25526. The committee shall serve as an advisory body to the board, shall formulate and present such policy recommendations as it determines will effect statewide establishment and conduct of community college programs of extended opportunities and services, shall review annually and report to the board the progress made under this article with the California Community Colleges toward the extension of educational opportunities for all students who may profit from instruction, and make other recommendations to implement the provisions of this article. The Chancellor of the Community Colleges shall be executive secretary of the committee, shall report to the board on the actions of the committee, and at the recommendation of the committee and its direction shall make recommendations to the board pursuant to this article.

25526.3. All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meeting of the committee.

25526.7. The board shall adopt rules and regulations necessary to implement the provisions of this article including rules and regulations which:

(a) Prescribe the procedure by which a district shall identify a student eligible for extended opportunity programs or services.

(b) Establish minimum standards for the establishment and conduct of extended opportunity programs and services.

(c) Require the submission of such reports by districts as will permit the evaluation of the program and services offered.

25527. The governing board of any district may, with the approval of the board, establish an extended opportunity program. Such program may include, but need not be limited to:

(a) The provision of tutorial services.

(b) The establishment of remedial and developmental courses.

(c) The establishment of a program of multicultural studies.

(d) The provision of counseling services.

(e) The provision of recruitment services.

25527.3. The governing board of any district may, with the approval of the board, establish extended opportunity services. Such services may include, but need not be limited to:

(a) Loans or grants to meet living costs or a portion thereof.

(b) Loans or grants to meet the cost of student fees.

(c) Loans or grants to meet cost of transportation between home and college.

(d) The provision of scholarships

(e) Work-experience programs.

(f) Job placement programs.

25527.7. The governing board of any district may use any funds under its control not specified to be used for another particular purpose for the programs and services authorized by Sections 25527 and 25527.3, the administrative costs of such programs and services, and may use such funds to meet the matching requirements to receive federal funds, or funds granted by nonprofit foundations designated for the same purposes.

25528. The governing board of any district may apply to the board for an allowance to meet all or a portion of the cost of establishing and operating extended opportunity programs or services authorized by this article. The application shall contain a detailed plan or plans for use of the allowance. The plan or plans shall be submitted in accordance with rules and regulations adopted by the board. The board may also adopt rules and regulations relating to the form and content of applications and procedures for review, evaluation, and approval thereof.

25528.3. Applications shall be subject to the approval of the board. Upon approval by the board, it shall certify an apportionment or apportionments to the Controller. The Controller shall draw warrants on the State Treasury in the amounts certified in favor of the county treasurer of the county which has jurisdiction over the applicant district in accordance with a schedule of payments established by the board and approved by the Department of Finance. The

county treasurer shall immediately credit the general fund of the applicant school district exactly as apportioned by the board.

25528.7. The board shall review the need for state funds to carry out the purposes of this article and shall include an estimate of such need in its budget for 1970–1971 and for each subsequent year.

SEC. 2. From any funds appropriated for the purposes of this act, not more than the sum of one hundred thirty thousand dollars ($130,000) may be used by the Board of Governors of the California Community Colleges for the purpose of administering extended opportunity programs and services pursuant to Article 4 (commencing with Section 25524) of Chapter 3 of Division 18.5 of the Education Code and for the purpose of participating in a study identifying the characteristics of the withdrawal student and the continuing student, and of developing, testing, and refining methods of predicting the potential withdrawal student based on those characteristics identified. All relevant state agencies shall participate in such study.

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 urgently needed extended opportunity programs and services in the community colleges may be put into effect as early as possible in the 1969–1970 school year, it is necessary that this act take effect immediately.

CHAPTER 1580

An act to amend Section 8901 of the Government Code, relating to the salary of legislators.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 8901 of the Government Code is amended to read:

8901. Commencing at noon on January 2, 1967, each Member of the Legislature shall receive as compensation for his services sixteen thousand dollars ($16,000) per year, during the term for which he was elected, payable in equal monthly amounts.

Commencing at noon on January 4, 1971, the annual compensation provided by this section shall be increased to nineteen thousand two hundred dollars ($19,200).

CHAPTER 1581

An act to amend Section 12001 of the Government Code, relating to salaries of Governor's aides.

[Approved by Governor September 3, 1969. Filed with Secretary of State September 6, 1969.]

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 twenty thousand dollars ($20,000) annually, except the salary of the Executive Secretary to the Governor shall not exceed thirty-five thousand dollars ($35,000) annually, and the salaries of eight secretaries to the Governor, including not more than two legislative secretaries, shall not exceed twenty-seven thousand five hundred dollars ($27,500) annually.

CHAPTER 1582

An act to amend Sections 9359.01 and 9360.7 of the Government Code, relating to the Legislators' Retirement System.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 9359.01 of the Government Code is amended to read:

9359.01. A Member of the Senate or Assembly who is not returned to office, or who chooses not to run, when the boundaries of the Senate or Assembly district, respectively, in which he was resident, when last elected to the Senate or Assembly, respectively, are altered pursuant to a reapportionment of legislative districts, or who resigns his office upon election or appointment to another public office during the term in which the boundaries of the Senate or Assembly district, respectively, in which he was resident, when last elected to the Senate or Assembly, respectively, are altered pursuant to a reapportionment of legislative districts, may be retired, upon his written application to the board, at the conclusion of his current term provided the member is credited with a minimum of four years service.

A written application for retirement may be filed at any time during the term of office of the member, or within thirty (30) days after the expiration of his term of office. Any ap-

plication which does not specify a different date as the effective date of retirement applied for shall be deemed to be an application for retirement as of the day following the expiration of the term of office of the member

This section shall not apply to persons first elected to the Senate or Assembly after December 31, 1969.

SEC. 2. Section 9360.7 of the Government Code is amended to read:

9360.7. Any Member of the Senate or Assembly who after the effective date of this section retires for service or disability shall receive the retirement allowance provided by this chapter unmodified by any optional settlement elected pursuant to Article 7 (commencing with Section 9361) of this chapter.

The surviving spouse of such a member who dies after retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the retirement allowance, unmodified by any optional settlement which would be payable to the member were he living and retired under this chapter.

The surviving spouse of a member who is a Member of the Senate or Assembly and who dies before retirement but after becoming eligible for retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the amount of the retirement allowance, unmodified by any optional settlement, that would be payable to the member were he living and retired under this chapter. This paragraph shall also apply to the surviving spouse of any Member of the Senate or Assembly who dies before becoming eligible to retire and who would have been eligible to retire under the provisions of Section 9359.01 of this code had he chosen not to run following the reapportionment of his district.

The election provided for in this section shall be made by a writing filed with the board within 60 days after the death of the member.

The allowance to a surviving spouse provided by this section is payable commencing upon the death of the member and continuing until the death or remarriage of the surviving spouse. If pursuant to this section, an allowance is paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8 or pursuant to Article 7 (commencing with Section 9361) of this chapter.

CHAPTER 1583

An act to amend Sections 7028, 7028.3, 7151, 7156, 7157, and 7158 of, and to add Sections 7026.2, 7026.8, 7026.9, 7028.1, 7028.2, 7028.4, 7116.2, 7151.2, and 7159 to, the Business and Professions Code, relating to contractors.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 7026.2 is added to the Business and Professions Code, to read:

7026.2. "Contractor" includes any person engaged in the business of home improvement as defined in Section 7151.

SEC. 2. Section 7026.8 is added to the Business and Professions Code, to read:

7026.8. It shall be a misdemeanor to commit any of the following acts:

(a) For any salesman to fail to account for or to remit to his contractor any payment received in connection with any home improvement transaction or any other transaction involving a work of improvement.

(b) For any person to use a contract form in connection with any home improvement transaction or any other transaction involving a work of improvement if such form fails to disclose the name of the contractor principal by whom he is employed.

SEC. 3. Section 7026.9 is added to the Business and Professions Code, to read:

7026.9. (a) Except as otherwise provided in subdivision (b), as a part of or in connection with the inducement to enter into any home improvement contract or other contract, which may be performed by a contractor, no person shall promise or offer to pay, credit, or allow to any owner, compensation or reward for the procurement or placing of home improvement business with others.

(b) A contractor or his agent or salesman may give tangible items to prospective customers for advertising or sales promotion purposes where the gift is not conditioned upon obtaining a contract for home improvement work if such gift does not exceed a value of five dollars ($5) and only one such gift is given in connection with any one transaction.

(c) No salesman or contractor's agent shall accept any compensation of any kind, for or on account of a home improvement transaction, or any other transaction involving a work of improvement, from any person other than the contractor whom he represents with respect to the transaction, nor shall such salesman or agent make any payment to any person other than his employer on account of such sales transaction.

(d) No contractor shall pay, credit, or allow any consideration or compensation of any kind to any other contractor or salesman other than a licensee for or on account of the performance of any work of improvement or services, including, but not limited to, home improvement work or services, except: (1) where the person to or from whom the consideration is to be paid is not subject to or is exempted from the licensing requirements of this chapter, or (2) where the transaction is not subject to the requirements of this chapter.

As used in this section "owner" shall also mean "tenant."

Violation of any act prohibited by this section is a misdemeanor and constitutes a cause for disciplinary action.

SEC. 4. Section 7028 of the Business and Professions Code is amended to read:

7028. It is a misdemeanor for any person to engage in the business or act in the capacity of a contractor within this state without having a license therefor, unless such person is particularly exempted from the provisions of this chapter. If such a person has been previously convicted of the offense described in this section, the court shall impose a fine of not more than two thousand dollars ($2,000), or imprisonment in the county jail for not more than six months, or both.

SEC. 5. Section 7028.1 is added to the Business and Professions Code, to read:

7028.1. Any person who shall accept or receive a completion certificate or other evidence that performance of a contract for a work of improvement, including but not limited to a home improvement, is complete or satisfactorily concluded, with knowledge that such document is false and that the performance is not substantially completed, and who shall utter, offer, or use such document in connection with the making or accepting of any assignment or negotiation of the right to receive any payment from the owner, under or in connection with such a contract, or for the purpose of obtaining or granting any credit or loan on the security of the right to receive any payment shall be guilty of a misdemeanor and subject to a fine not to exceed five thousand dollars ($5,000) or to imprisonment in the county jail for a term not to exceed one year, or both.

SEC. 6. Section 7028.2 is added to the Business and Professions Code, to read:

7028.2. Any person who is induced to contract for a work of improvement, including but not limited to a home improvement, in reliance on false or fraudulent representations or false statements knowingly made, may sue and recover from such contractor or solicitor a penalty of five hundred dollars ($500), plus reasonable attorney's fees, in addition to any damages sustained by him by reason of such statements or representations made by the contractor or solicitor.

SEC. 7. Section 7028.3 of the Business and Professions Code is amended to read:

7028.3. In addition to all other remedies, when it appears to the registrar, either upon complaint or otherwise, that a licensee has engaged in, or is engaging in, any act, practice, or transaction which constitutes a violation of this chapter whereby another person may be substantially injured, or that any person, who does not hold a state contractor's license in any classification, has engaged in, or is engaging in, any act, practice, or transaction which constitutes a violation of this chapter, whether or not there is substantial injury, the regis-

trar may, either through the Attorney General or through the district attorney of the county in which the act, practice, or transaction is alleged to have been committed, apply to the superior court of that county or any other county in which such person maintains a place of business or resides, for an injunction restraining such person from acting in the capacity of a contractor without a license in violation of this chapter, or from acting in violation of this chapter when another person may be substantially injured, and, upon a proper showing, a temporary restraining order, a preliminary injunction, or a permanent injunction shall be granted without bond.

SEC. 8. Section 7028.4 is added to the Business and Professions Code, to read:

7028.4. In addition to the remedies set forth in Section 7028.3, on proper showing by (1) a licensed contractor, (2) a consumer affected by the violation, (3) a district attorney, or (4) the Attorney General, of a continuing violation of this chapter by a person who does not hold a state contractor's license in any classification, an injunction shall issue by a court specified in Section 7028.3 at the request of any such party, prohibiting such violation. The plaintiff in any such action shall not be required to prove irreparable injury.

SEC. 9. Section 7116.2 is added to the Business and Professions Code, to read:

7116.2. It is a misdemeanor for any person to engage in any of the following acts, the commission of which shall be cause for disciplinary action against any licensee or applicant:

(a) Using false, misleading, or deceptive advertising as an inducement to enter into any contract for a work of improvement, including, but not limited to, any home improvement contract, whereby any member of the public may be misled or injured.

(b) Making any substantial misrepresentation in the procurement of a contract for a home improvement or other work of improvement or making any false promise of character likely to influence, persuade or, induce any person to enter into such a contract.

(c) Any fraud in the execution of, or in the material alteration of any contract, trust deed, mortgage, promissory note, or other document incident to a home improvement transaction or other transaction involving a work of improvement.

(d) Preparing or accepting any trust deed, mortgage, promissory note, or other evidence of indebtedness upon the obligations of a home improvement transaction or other transaction for a work of improvement with knowledge that it specifies a greater monetary obligation than the consideration for such improvement work, which consideration may be a time sale price.

(e) Directly or indirectly publishing any advertisement relating to home improvements or other works of improvement which contains an assertion, representation or statement of fact

which is false, deceptive, or misleading, or by any means advertising or purporting to offer to the general public any such improvement work with the intent not to accept contracts for the particular work or at the price which is advertised or offered to the public, except that any advertisement which is subject to and complies with the existing rules, regulations or guides of the Federal Trade Commission shall not be deemed false, deceptive or misleading

SEC. 10. Section 7151 of the Business and Professions Code is amended to read:

7151. "Home improvement" means the repairing, remodeling, altering, converting, or modernizing of, or adding to, residential property and shall include, but not be limited to, the construction, erection, replacement, or improvement of driveways, swimming pools, terraces, patios, landscaping, fences, porches, garages, fallout shelters, basements, and other improvements of the structures or land which is adjacent to a dwelling house.

SEC. 11. Section 7151.2 is added to the Business and Professions Code, to read:

7151.2. "Home improvement contract" means an agreement, whether oral or written, or contained in one or more documents, between a contractor and an owner or contractor and a tenant, regardless of the number of residence or dwelling units contained in the building in which the tenant resides, if the work is to be performed in, to, or upon the residence or dwelling unit of such tenant, for the performance of a home improvement and includes all labor, services, and materials to be furnished and performed thereunder.

SEC. 12. Section 7156 of the Business and Professions Code is amended to read:

7156. Any person failing to file any bond or cash deposit required by this article shall be guilty of a misdemeanor.

SEC. 13. Section 7157 of the Business and Professions Code is amended to read:

7157. The bonding or depositing under this article may be required notwithstanding the fact that the person may also be subject to the bonding or depositing requirements of another law.

SEC. 14. Section 7158 of the Business and Professions Code is amended to read:

7158. The provisions of this article shall not apply to any work or operation that is exempt from the provisions of this chapter pursuant to Section 7048.

SEC. 15. Section 7159 is added to the Business and Professions Code, to read:

7159. This section shall apply only to home improvement contracts between a prime contractor who is licensed or subject to be licensed pursuant to this chapter with regard to such transaction and the owner or tenant for work upon one-, two-, or three-family dwelling places, where (1) as security for such

contract, the contractor obtains a lien agreement or other security agreement other than a mechanic's lien or materialman's lien created by operation of law, or (2) the aggregate contract price exceeds one hundred dollars ($100) and some consideration is payable by the owner or tenant prior to completion of the work, or (3) the aggregate contract price exceeds six hundred dollars ($600) and no consideration is payable prior to completion. Contracts which fail to comply with the provisions of this section shall not be deemed to be invalid solely because of noncompliance.

Every home improvement contract and any changes in the contract subject to the provisions of this section shall be evidenced by a writing and shall be signed by all the parties to the contract thereto. The writing shall contain the following:

(a) The name, address, and license number of the contractor, and the names of the salesmen who solicited or negotiated the contract.

(b) The approximate dates when the work will begin and be substantially completed.

(c) A description of the work to be done and description of the materials to be used and the agreed consideration for the work.

(d) The number and due date of payments and the amount of each such payment stated as a sum in dollars which shall include all finance charges.

(e) A description of any collateral security taken or to be taken for the owner's obligation under the contract.

The writing may also contain other matters agreed to by the parties to the contract.

The writing shall be legible and shall be in such form as to clearly describe any other document which is to be incorporated into the contract, and before any work is done, the owner shall be furnished a copy of the written agreement, signed by the contractor.

The provisions of this section are not exclusive and do not relieve the contractor or any contract subject to it from compliance with all other applicable provisions of law.

Violation of any act prohibited by this section is a misdemeanor, and constitutes cause for disciplinary action.

CHAPTER 1584

An act to add Section 3434 to the Civil Code, relating to creditors.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 3434 is added to the Civil Code, to read:

3434. A lender who makes a loan of money, the proceeds of which are used or may be used by the borrower to finance the design, manufacture, construction, repair, modification or improvement of real or personal property for sale or lease to others, shall not be held liable to third persons for any loss or damage occasioned by any defect in the real or personal property so designed, manufactured, constructed, repaired, modified or improved or for any loss or damage resulting from the failure of the borrower to use due care in the design, manufacture, construction, repair, modification or improvement of such real or personal property, unless such loss or damage is a result of an act of the lender outside the scope of the activities of a lender of money or unless the lender has been a party to misrepresentations with respect to such real or personal property.

CHAPTER 1585

An act to add Sections 21669, 21669.1, 21669.2, 21669.3, and 21669.4 to the Public Utilities Code, relating to airports and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 21669 is added to the Public Utilities Code, to read:

21669. The department shall adopt noise standards governing the operation of aircraft and aircraft engines for airports operating under a valid permit issued by the department to an extent not prohibited by federal law. The standards shall be based upon the level of noise acceptable to a reasonable person residing in the vicinity of the airport.

SEC. 2. Section 21669.1 is added to the Public Utilities Code, to read:

21669.1. There is hereby established an advisory committee to assist the department in the adoption of noise standards. The committee shall be composed of seven members appointed by the Governor as follows:

(a) Two members, one of whom shall be representative of homeowners concerned with aircraft noise.

(b) One member each from the Department of Public Health, the League of California Cities, the County Supervisors Association, the Department of Education, and the Air Transport Association.

The existence of the committee shall terminate on January 1, 1971.

SEC. 3. Section 21669.2 is added to the Public Utilities Code, to read:

21669.2. In its deliberations the department and the advisory committee shall be governed by the following guidelines:

(a) Statewide uniformity in standards of acceptable airport noise need not be required, and the maximum amount of local control and enforcement shall be permitted.

(b) Due consideration shall be given to the economic and technological feasibility of complying with the standards promulgated by the department.

SEC. 4. Section 21669.3 is added to the Public Utilities Code, to read:

21669.3. The department shall submit a comprehensive report of the noise regulations adopted pursuant to Sections 21669, 21669.1 and 21669.2 to the Legislature on or prior to April 1, 1970, and the regulations shall go into effect on January 1, 1971 in the absence of legislative action adopting different standards.

SEC. 5. Section 21669.4 is added to the Public Utilities Code, to read:

21669.4. (a) The violation of the noise standards by any aircraft shall be deemed a misdemeanor and the operator thereof shall be punished by a fine of one thousand dollars ($1,000) for each infraction.

(b) It shall be the function of the county wherein an airport is situated to enforce the noise regulations established by the department. To this end, the operator of an airport shall furnish to the enforcement authority designated by the county the information required by the department's regulations to permit the efficient enforcement thereof.

(c) Penalties assessed for the violation of the noise regulations shall be used first to reimburse the General Fund for the amount of any money appropriated to carry out the purposes for which the noise regulations are established, and second be used in the enforcement of the noise regulations at participating airports.

SEC. 6. There is hereby appropriated from the General Fund in the State Treasury to the Airport Assistance Revolving Fund, as a loan, the sum of fifty thousand dollars ($50,000) to be used in carrying out the purposes of Sections 21669, 21669.1 and 21669.2 of the Public Utilities Code as added by this act, and to be repaid as follows:

(a) Any penalties assessed for the violation of noise regulations pursuant to this act shall first be used to reimburse the General Fund until such loan is repaid; and

(b) If legislation is enacted to impose a tax on aircraft jet fuel, the revenues from which are to be deposited in the Airport Assistance Revolving Fund, such revenues shall first be used to reimburse the General Fund until such loan is repaid.

(c) From any federal grants that may be obtained by the department for the purpose of promulgating the standards called for by his act.

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:

Noise from airport operations is a serious environmental pollutant and is a burden borne by many throughout California.

School districts are finding that aircraft noise increases the cost of education in the vicinity of airports. In the Los Angeles area, approximately 40 schools are subjected to aircraft noise. One elementary school was closed in Los Angeles because of aircraft noise, and the Los Angeles Board of Education estimates that it would cost $3.5 million to soundproof seven of the schools presently subjected to aircraft noise.

The physical and emotional well-being of residents adjacent to airports are endangered because of constant exposure to aircraft noise. Aircraft noise prohibits the full enjoyment of their homes and at time reduces the value of property to a homeowner.

For these reasons, it is necessary that this act take immediate effect so that the Department of Aeronautics may establish the aircraft noise regulations required by this legislation.

CHAPTER 1586

An act to add Article 2.7 (commencing with Section 13250) to Chapter 2 of Division 10 of the Education Code, relating to teachers.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 2.7 (commencing with Section 13250) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 2.7. Teacher Preparation

13250. On and after July 1, 1974, each school with a substantial population of students of diverse ethnic backgrounds shall provide an in-service preparation program designed to prepare teachers and other professional school service personnel to understand and effectively relate to the history, culture, and current problems of these students and their environment. For purposes of this article a school shall be considered to have a substantial population of students of diverse ethnic backgrounds where 25 percent or more of all the students in the school are of diverse ethnic backgrounds.

13250.1. The Department of Education shall develop a list of approved courses which shall be considered acceptable for meeting the requirements of this article. The department shall cause a list of approved courses to be published and distributed to interested teachers, administrators, and governing boards of school districts. The department shall be responsible for coordinating the efforts of school districts and colleges to develop adequate course offerings to satisfy the requirements of this article.

13250.2. In-service programs designed to fulfill the requirements of this article may include, but need not be limited to, courses offered by community colleges and colleges and universities approved by the State Board of Education. A district may provide an in-service program consisting in whole or in part of preparation other than college courses.

Such a program shall be developed cooperatively with the Department of Education and shall have prior approval of the Department of Education. An in-service program which meets the intent of this article shall encompass the history, culture, and current problems of the students of diverse ethnic background.

All college courses approved by the Department of Education for the purposes of this article shall be considered acceptable for salary credit purposes by any school district. District in-service programs shall specify an amount of equivalent credit which shall be acceptable for salary credit purposes in the school district providing the in-service program.

13250.3. The Department of Education shall provide in its budget for the necessary funds to employ appropriate staff to implement the intent of this article.

13250.4. The Department of Education shall make a progress report to the Legislature not later than the fifth legislative day of the 1972 Regular Session. The department shall further report not later than the fifth legislative day of the 1974 Regular Session the number of districts to which this article is applicable at that time and the extent to which implementation has been achieved. The department shall continually evaluate the results of this article.

CHAPTER 1587

An act to amend Section 6357 of, and to add Chapter 2.5 (commencing with Section 7370) to Part 2 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 6357 of the Revenue and Taxation Code is amended to read:

6357. There are exempted from the taxes imposed by this part the gross receipts from the distributions of and the storage, use, or other consumption in this state of motor vehicle fuel, except aircraft jet fuel, the distributions of which in this state are subject to the tax imposed by Part 2 (commencing at Section 7301) of this division and liquefied petroleum gas the use of which is subject to the tax imposed by Part 3 of this division, and not subject to refund.

The Controller shall collect the sales tax upon sales of motor vehicle fuel which are subject to tax and refund under Part 2 of this division and the use tax when applicable to the storage, use or other consumption of such fuel by way of deduction from refunds otherwise allowable under that part. He shall transfer the amount of the deductions from the Motor Vehicle Fuel Fund to the Retail Sales Tax Fund.

SEC. 2. Chapter 2.5 (commencing with Section 7370) is added to Part 2 of Division 2 of the Revenue and Taxation Code, to read:

CHAPTER 2.5. AIRCRAFT JET FUEL TAX

Article 1. Definitions

7370. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this chapter.

7371. "Aircraft" means any powered contrivance designed for navigation in the air except a rocket or missile.

7372. "Aircraft jet fuel" means any inflammable liquid which is used or sold for use in propelling aircraft operated by the jet or turbine type of engine.

7373. "Aircraft jet fuel dealer" means any person who sells to an aircraft jet fuel user, aircraft jet fuel delivered in this state into the fuel tanks of aircraft or into a storage facility from which the fuel is withdrawn for use in aircraft.

7374. "Aircraft jet fuel user" means any person who uses aircraft jet fuel for the propulsion of an aircraft in this state except the following:

(a) A common carrier by air engaged in the business of transporting persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the authority of the laws of this state, of the United States or of any foreign government.

(b) A person engaged in the business of constructing or reconstructing by manufacture or assembly of completed aircraft or modifying, overhauling, repairing, maintaining or servicing of aircraft.

(c) The armed forces of the United States.

7375. "Fuel tank" means any receptacle on an aircraft from which fuel is supplied for the propulsion of the aircraft.

7376. "Use" means the placing of aircraft jet fuel into the fuel tank of an aircraft in this state.

Article 2. Imposition of Tax

7380. For the privilege of using or selling aircraft jet fuel a license tax is imposed upon every aircraft jet fuel dealer at the rate of two cents ($0.02) for each gallon of such fuel sold to an aircraft jet fuel user or used by the dealer as an aircraft jet fuel user.

7381. The aircraft jet fuel dealer shall make a return of the tax due under Section 7380 as required of distributors under Section 7651. All of the provisions of this part relating to the collection of the tax shall be applicable to the collection of the tax imposed by Section 7380.

Article 3. Permit—Aircraft Jet Fuel Dealer

7390. Every person desiring to become an aircraft jet fuel dealer shall first secure from the board an aircraft jet fuel dealer permit. Applications for permits shall be made to the board on forms prescribed by the board. Before issuing the permit the board may require the applicant to furnish the bond or security as required under Chapter 4 (commencing with Section 7451) of this part.

7391. Upon receipt of the application and after the deposit of such security as the board may require, the board shall issue to the applicant an aircraft jet fuel dealer permit authorizing him to become a dealer in aircraft jet fuel. The permit is valid until canceled, suspended or revoked.

Article 4. Administrative Provisions

7395. All of the administrative provisions of this part not inconsistent with this chapter shall be applicable to the administration of the tax imposed by Section 7380.

Article 5. Disposition of Proceeds

7396. All money received in payment of the tax imposed by this chapter shall be deposited in the State Treasury to the credit of the Motor Vehicle Fuel Fund, and after the payment of any refunds authorized by this part, the balance remaining shall be transferred to the Aeronautics Fund for allocation pursuant to subdivision (f) of Section 8352.

SEC. 3. The provisions of this act shall become operative on the first day of the month following the month in which it becomes effective.

CHAPTER 1588

An act to amend Section 18251.1 of the Education Code, relating to driver education.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 18251.4 of the Education Code is amended to read:

18251.4. The Superintendent of Public Instruction may promote and direct the establishment and maintenance of courses of instruction in automobile driver education and driver training in the public schools. For this purpose, he may employ such professional and other personnel as are necessary to give full effect to this article. All necessary costs and expenses incurred for purposes of this section shall be provided for from such funds as may be appropriated by the Legislature from the Driver Training Penalty Assessment Fund.

CHAPTER 1589

An act to amend Sections 12259, 12305, and 12704 of, and to repeal Section 12705 of, the Education Code, and to amend Sections 1299 and 1304 of the Labor Code, relating to the employment of minors.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 12259 of the Education Code is amended to read:

12259. The person authorized to issue permits to work may also issue to any minor over the age of 14 years a permit to work outside of school hours for a period of time not to exceed four hours in any day in which he is required by law to attend school.

The person issuing any permit to work outside of school hours shall immediately notify, in writing, the principal of the school which the minor is attending, and if at any time the teacher of the minor shows to the satisfaction of the person issuing the permit that the school work or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

SEC. 2. Section 12305 of the Education Code is amended to read:

12305. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 16 years shall keep on file all permits to employ, or vacation permits for minors under the age of 16 years. The files shall be open at all times to the inspection of school attendance and probation officers and the officers of the Division of Labor Law Enforcement, of the Superintendent of Public Instruction, and of the State Board of Education.

SEC. 3. Section 12704 of the Education Code is amended to read:

12704. Except in agricultural and homemaking occupations and approved work experience education programs, no employer shall employ a minor under 18 years of age for more than four hours in any day in which such minor is required by law to attend school.

SEC. 4. Section 12705 of the Education Code is repealed.

SEC. 5. Section 1299 of the Labor Code is amended to read:

1299. Every person, or agent or officer thereof, employing either directly or indirectly through third persons minors under the age of 18 years, shall keep on file all permits and certificates, either to work or to employ, issued under the provisions of this article or of Division 9 (commencing with Section 10501) of the Education Code. Such files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Statistics and Law Enforcement.

SEC. 6. Section 1304 of the Labor Code is amended to read:

1304. Failure to produce any permit or certificate either to work or to employ is prima facie evidence of the illegal employment of any minor whose permit or certificate is not so produced. Proof that any person was the manager or superintendent of any place of employment subject to the provisions of this article at the time any minor is alleged to have been employed therein in violation thereof, is prima facie evidence that the person employed, or permitted the minor so to work. The sworn statement of the Labor Commissioner or his deputy or agents as to the age of any child affected by this article is prima facie evidence of the age of such child.

CHAPTER 1590

An act to amend Section 13525 of, and to add Section 18252.6 to, the Education Code, relating to automobile driver instruction.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 13525 of the Education Code is amended to read:

13525. The governing board of each school district shall pay to each person employed in a day school of the district for full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than six thousand dollars ($6,000).

The governing board of each school district shall pay to each person employed for less than full time in a position requiring certification qualifications and serving under other than an emergency or provisional credential an annual salary of not less than an amount which bears the same ratio to six thousand dollars ($6,000) as the time required of the person bears to the time required of a person employed full time.

"Full time" means not less than the minimum schoolday for each day the schools of the district are maintained during the school year.

The provisions of this section shall not be construed as applying to substitute employees of a school district or to persons employed exclusively to teach driver training who possess only a standard designated subjects teaching credential in public safety and accident prevention.

SEC. 2. Section 18252.6 is added to the Education Code, to read:

18252.6. The governing board of any school district employing persons exclusively to teach driver training shall adopt and make public a salary schedule setting the daily or pay period rate or rates for such persons. Salary amounts and criteria for advancement contained in any salary schedule adopted pursuant to this section shall be established at the sole discretion of the governing board.

CHAPTER 1591

An act to amend Section 987.16 of, and to add Section 987.16a to, the Military and Veterans Code, relating to veterans' farm and home purchases.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 987.16 of the Military and Veterans Code is amended to read:

987.16. Any veteran for whom a home or farm is purchased under this article may be granted a subsequent opportunity to purchase another home or farm in any of the following cases:

(a) The home or farm has been taken by a public agency in condemnation proceedings brought by the agency or purchased by such agency in lieu of condemnation.

(b) The veteran is compelled to change the location of his employment and residence and sells the home or farm, pays his purchase contract in full, moves into another home or farm within six months from the date of change in location, and pays into the purchase of the new home or farm the net equity received from the sale of the former home or farm.

(c) A sale of the home or farm is necessitated because of the health of the veteran or because of the health of a member of his immediate family and the purchase contract is paid in full, another home or farm is purchased within six months of the sale, and the net equity received from the sale of the former home or farm is applied toward the new purchase.

(d) The veteran has two or more eligibilities arising from two or more separate periods of service as described in Section 980 of this code, or the veteran and the veteran's spouse each qualify as a veteran as described in Section 980.

Only one home or farm purchased under this article shall be owned by a veteran or a veteran and the veteran's spouse at any one time under the provisions of this article.

SEC. 2. Section 987.16a is added to the Military and Veterans Code, to read:

987.16a. Any veteran for whom a home or farm was purchased under this article who, after November 12, 1968, and prior to the effective date of this section, sold such home or farm because he was compelled to change the location of his employment and residence or because of the health of the veteran or the health of a member of his immediate family, and who would otherwise meet all of the other requirements of subdivisions (b) and (c) of Section 987.16, shall be exempt from the six-month time limit in subdivisions (b) and (c) of Section 987.16 and may be granted a subsequent opportunity to purchase another home or farm, if his application for the purchase of another home or farm under this article is filed within six months of the effective date of this section.

CHAPTER 1592

An act to add Article 10 (commencing with Section 710) to Chapter 1 of Division 2 of, and Section 2736.5 to the Business and Professions Code, relating to registered nurses.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 10 (commencing with Section 710) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

Article 10. Military Personnel

710. It is the policy of the State of California that, consistent with high quality health care services, persons with skills, knowledge and experience obtained in the armed services of the United States should be permitted to apply such learning and contribute to the health manpower needs of the

state at the maximum level of responsibility and skill for which they are qualified.

To this end, the rules and regulations of boards under this division shall provide for methods of evaluating education, training, and experience obtained in military service if such training is applicable to the requirements of that profession.

SEC. 2. Section 2736.5 is added to the Business and Professions Code, to read:

2736.5. (a) Any person who has served on active duty in the medical corps of any of the armed forces of the United States and who has successfully completed the course of instruction required to qualify him for rating as a medical service technician—independent duty, or other equivalent rating in his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, may submit the record of such training to the board for evaluation.

(b) If such person meets the qualifications of paragraphs (1) and (3) of subdivision (a) of Section 2736, and if the board determines that his education and experience would give reasonable assurance of competence to practice as a registered nurse in this state, he shall be granted a license upon passing the standard examination for such licensure.

(c) The board shall, by regulation, establish criteria for evaluating the education and experience of applicants under this section.

(d) The board shall maintain records of the following categories of applicants under this section:

(1) Applicants who are rejected for examination, and the areas of such applicants' preparation which are the causes of rejection.

(2) Applicants who are qualified by their military education and experience alone to take the examination, and the results of their examinations.

(3) Applicants who are qualified to take the examination by their military education and experience plus supplementary education, and the results of their examinations.

(e) The board shall report to the Legislature its findings and recommendations relating to applicants under the provisions of this section not later than the fifth legislative day of the 1971 and 1973 Regular Sessions of the Legislature.

CHAPTER 1593

An act to add Section 732 to the Fish and Game Code, and to add Section 6301.2 to the Public Resources Code, relating to government reorganization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969]

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

SECTION 1. Section 732 is added to the Fish and Game Code, to read:

732. Notwithstanding any of the provisions of the Governor's Reorganization Plan No. 1 of 1969 for the Reorganization of the Executive Branch of California State Government, if such reorganization plan becomes effective pursuant to Section 12080.5 of the Government Code, it shall have no effect whatever upon the Marine Research Committee. The Legislative Counsel shall exclude any provisions affecting the Marine Research Committee in preparing the bill required pursuant to Section 12081 of the Government Code.

SEC. 2. Section 6301.2 is added to the Public Resources Code, to read:

6301.2. Notwithstanding any of the provisions of the Governor's Reorganization Plan No. 2 of 1969 for the Reorganization of the Executive Branch of California State Government, if such reorganization plan becomes effective pursuant to Section 12080.5 of the Government Code, it shall have no effect whatever upon the nonmineral management functions, authorities, and responsibilities of state tidelands and submerged lands lying below such tidelands, and swamp and overflow lands affected by tides, including any such lands granted to a local agency (including, but not limited to, any of the tidelands and submerged lands which have been granted in trust to the City of Long Beach), currently within the jurisdiction of the commission. The Legislative Counsel shall include the exclusion of such functions, authorities, and responsibilities of the commission from the transfers of functions provided for by Reorganization Plan No. 2 of 1969 in preparing the bill required pursuant to Section 12081 of the Government Code.

SEC. 3. Section 1 of this act shall become operative on the effective date of Reorganization Plan No. 1 of 1969, and Section 2 of this act shall become operative on the effective date of Reorganization Plan No. 2 of 1969.

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 abolition of the Marine Research Committee has been proposed by Reorganization Plan No. 1 of 1969. If Reorganization Plan No. 1 of 1969 should become effective and the Marine Research Committee is to be continued in existence it is necessary for this act to take effect at the same time Reorganization Plan No. 1 becomes effective. Furthermore, the transfer to another state agency of certain administrative functions of the State Lands Commission with respect to state tidelands and submerged lands lying below such tidelands, and swamp and overflow lands affected by tides, including any such lands

granted to a local agency, has been proposed by Reorganization Plan No. 2 of 1969. If Reorganization Plan No. 2 of 1969 should become effective and the State Lands Commission is to continue to exercise such functions, it is necessary for this act to take effect at the same time Reorganization Plan No. 2 becomes effective.

CHAPTER 1594

An act to amend the heading of Article 7.5 (commencing with Section 415) of Chapter 2 of Part 1 of Division 1 of, to add Division 25 (commencing with Section 38000) to, and to repeal Sections 415, 415.1, 415.2, 415.3, 415.4, 415.5, 415.6, 416.2, 416.3, 416.4 and 416.24 of, and Division 25 (commencing with Section 38000) of, the Health and Safety Code, and to amend Sections 6500 and 7511 of the Welfare and Institutions Code, relating to mental retardation.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. The heading of Article 7.5 (commencing with Section 415) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is amended to read:

Article 7.5. Conservatorship and Guardianship for Mentally Retarded Persons

SEC. 2. Section 415 of the Health and Safety Code is repealed.

SEC. 3. Section 415.1 of the Health and Safety Code is repealed.

SEC. 4. Section 415.2 of the Health and Safety Code is repealed.

SEC. 5. Section 415.3 of the Health and Safety Code is repealed.

SEC. 6. Section 415.4 of the Health and Safety Code is repealed.

SEC. 7. Section 415.5 of the Health and Safety Code is repealed.

SEC. 8. Section 415.6 of the Health and Safety Code is repealed.

SEC. 9. Section 416.2 of the Health and Safety Code is repealed.

SEC. 10. Section 416.3 of the Health and Safety Code is repealed.

SEC. 11. Section 416.4 of the Health and Safety Code is repealed.

SEC. 12. Section 416.24 of the Health and Safety Code is repealed.

SEC. 13. Division 25 (commencing with Section 38000) of the Health and Safety Code is repealed.

SEC. 14. Division 25 (commencing with Section 38000) is added to the Health and Safety Code, to read:

DIVISION 25. SERVICES FOR THE MENTALLY RETARDED

CHAPTER 1. GENERAL PROVISIONS

38000. This division shall be known and may be cited as the Lanterman Mental Retardation Services Act of 1969.

38001. The State of California accepts a responsibility for its mentally retarded citizens and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors, and whole communities, mental retardation presents social, medical, economic, and legal problems of extreme importance.

The complexities of mental retardation require the services of many state departments as well as the community. Frequently there are gaps beyond the present duties and powers of departments in the development of state and community services.

Services should be planned and provided as a part of a continuum. A pattern of facilities and eligibility should be established which is so complete as to meet the needs of each retarded person, regardless of age or degree of handicap, and at each stage of his life's development.

38002. After July 1, 1971, mental retardation alone shall no longer constitute sufficient justification for judicial commitment. Instead mentally retarded persons shall receive services pursuant to this division. Mentally retarded persons who constitute a danger to themselves or others may be judicially committed if evidence of such danger is proven in court.

Unless otherwise indicated, the provisions of this division shall not be construed to apply retroactively to terminate court commitments of mentally retarded persons.

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for mentally retarded persons and their families.

(b) "Director" means the Director of Public Health.

(c) "Department" means the Department of Public Health.

(d) "Secretary" means the Secretary of the Human Relations Agency.

(e) "State board" means the State Mental Retardation Program Advisory Board.

(f) "Area board" means an areawide mental retardation program board.

(g) "Area plan" means an areawide mental retardation plan.

38004. Notwithstanding any other provision of law, mentally retarded persons shall not be released from state hospitals on leaves of absence after July 1, 1971, except for short home visits, but shall be referred to a regional center for services pursuant to this division.

CHAPTER 2 AREA BOARDS

38050. By January 1, 1970, the secretary shall divide the state into areas for the purpose of planning and coordinating services for the mentally retarded. To the extent feasible, the areas shall correspond to comprehensive health planning regions.

38051. By July 1, 1970, an areawide mental retardation program board shall be appointed in each area to act as a planning and coordinating body for mental retardation services.

38052. Area boards shall be comprised, as follows:

(a) For areas consisting of one to four counties, the area board shall consist of a total of 12 members appointed by the governing bodies of the counties, each county appointing an equal number of members, and five members appointed by the Governor.

(b) For areas consisting of five to seven counties, the area board shall consist of two members appointed by the governing body of each county, and five members appointed by the Governor.

(c) For areas consisting of eight or more counties, the area board shall consist of one member appointed by the governing body of each county, and five members appointed by the Governor.

38053. Of the members first appointed, five shall serve for one year, five shall serve for two years, and the remaining members shall serve for three years. Subsequent members shall serve for three years.

38054. The governing bodies of the counties in each area and the Governor shall select their appointees from among the following groups, and, to the extent feasible, in the following proportions:

(a) Parents of the mentally retarded—25 percent.

(b) Professional disciplines serving the mentally retarded—50 percent.

(c) The general public and county supervisors—25 percent.

38054.1. The Governor shall give consideration to the relative populations of the counties within the area in selecting his appointees to the area boards.

38054.2. The governing bodies of the counties in each area and the Governor shall request recommendations for persons to be appointed to the area boards from:

(a) Organizations representing parents of the retarded;

(b) Professional organizations representing the various professional disciplines to be included on the board; and

(c) Such mental retardation coordinating councils as may exist.

38055. All members of the area board shall be residents of the area.

38056. No member of an area board may be an employee of a regional center, the State Department of Public Health, the State Department of Mental Hygiene, or the State Department of Social Welfare.

38057. An area board shall have the following duties:

(a) It shall be the mental retardation planning body for the area, and shall develop and submit the area plan.

(b) It shall have the responsibility for coordinating and encouraging the development of services.

38058. Each area board shall adopt an areawide mental retardation plan.

The purpose of an area plan shall be to ensure the provision of services as specified in this division in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, an area plan shall provide for the most appropriate and economical use of all existing public and private mental retardation agencies and professional personnel. An area plan must include the fullest possible participation by Short-Doyle agencies, state hospitals and clinics, public and private hospitals, county and state health and welfare agencies, and all such other public and private agencies and professional personnel as are required to, or may agree to, participate in the area plan.

38059. An area plan shall provide for the orderly and economic development of mental retardation services in the area.

Each area board shall submit its area plan at such time and in such form as required by the secretary. The area plan shall designate the region or regions within the area for the purpose of the regional center or centers, and the agency or agencies which will provide regional center services. The area plan shall also indicate the services required by the mentally retarded in the area, the number of persons needing such services, the available service resources, and the anticipated costs and revenues. The area plan may include individual county plans which have been submitted to the area board

38060. Area plans shall be submitted to the Areawide Comprehensive Health Planning Agency for review, and to the secretary for approval and transmission to the Health Planning Council

38061. The members of an area board shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

Each area board shall meet at least quarterly, and on call of the board chairman, as often as necessary to fulfill its duties. All meetings and records of the area board shall be open to the public.

38062. Each area board shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The board chairman shall appoint all members of committees of the area board.

An area board may appoint such advisory committees composed of professional persons serving the mentally retarded as necessary for technical assistance.

38063. Each area board may appoint an executive secretary who may appoint persons to such staff positions as the area board may authorize within available funds. The affirmative votes of a majority of the members of the area board shall be necessary for the appointment or removal of an executive secretary.

CHAPTER 3. REGIONAL CENTERS FOR THE MENTALLY RETARDED

38100. In order to provide fixed points of referral in the community for the mentally retarded and their families; establish ongoing points of contact with the mentally retarded and their families so that they may have a place of entry for services and return as the need may appear; provide a link between the mentally retarded and services in the community, including state-operated services, to the end that the mentally retarded and their families may have access to the facilities best suited to them throughout the life of the retarded person; offer alternatives to state hospital placement; and encourage the placement of persons from the state hospital, it is the intent of this division that a network of regional diagnostic, counseling, and service centers for mentally retarded persons and their families, easily accessible to every family, be established throughout the state.

The Legislature finds that the services required of a regional center are of such a special and unique nature that they cannot be satisfactorily provided by state agencies. Therefore, private nonprofit community and local public agencies shall be utilized for the purpose of operating regional centers to the end that the unique relationship which these agencies enjoy with both the mentally retarded and their families and the providers of services in the community may enable the mentally retarded to receive service in the most direct, efficient and effective manner possible.

38101. The State Department of Public Health, within the limitations of funds appropriated, shall contract with appropriate agencies, either public or private nonprofit corporations, for the establishment of regional centers.

38102. Regional centers shall be near centers of population where most needed and wherever possible connected to or in close proximity to institutions of higher learning and research.

38103. A regional center shall investigate every appropriate and economically feasible alternative for care of a mentally

retarded person available within the region. If suitable care cannot be found within the region, care may be obtained in facilities outside of the region.

After July 1, 1971, except for those mentally retarded persons placed in state hospitals pursuant to the Lanterman-Petris-Short Act, no mentally retarded person shall be admitted to a state hospital except upon the referral of a regional center. Upon discharge from a state hospital, a mentally retarded person shall be referred to an appropriate regional center. The department may contract with appropriate agencies for regional center services in those regions where a regional center is not yet fully operative.

38104. Any person suspected of mental retardation shall be eligible for initial intake and for diagnostic and counseling services in the regional centers.

38105. A regional center may purchase required out-of-home prehospital and posthospital care for mentally retarded persons. In locating appropriate placement alternatives for mentally retarded children, regional centers shall encourage maximum participation by parents in the decisionmaking process.

Regional centers may contract or enter into agreements with appropriate agencies for the provision of out-of-home placement services and case management.

38106. The regional centers shall provide and perform or cause to be performed services including, but not limited to, the following:

(a) Diagnosis.

(b) Counseling on a continuing basis. Counseling shall include advice and guidance to any mentally retarded person and his family, to assist them in locating and using suitable facilities, including, but not limited to: special medical services; nursery and preschool training; public education; recreation; vocational rehabilitation; suitable residential facilities; and state hospital facilities.

(c) Provide state funds to vendors of service to the retarded.

(d) Maintain a registry and individual case records.

(e) Systematic followup of the mentally retarded and reactivation of cases as indicated.

(f) Call public attention to unmet needs in community care and services, defining and interpreting standards of community care and services as used by the regional center, and stimulating the community to develop such services as needed.

(g) Maintain a staff according to standards set by the secretary.

(h) Report as required to the area board and the secretary on services provided and unmet needs in the region.

(i) Develop a plan for mental retardation services in the region to be submitted to the area board at such time and in such form as required by the area board or the secretary.

38107. A regional center may make use of the services of volunteers.

CHAPTER 4. GUARDIANSHIP AND CONSERVATORSHIP

38150. Notwithstanding any other provision of law, the Department of Mental Hygiene shall not be appointed as guardian of any mentally retarded person after July 1, 1971. This chapter shall not be construed to terminate any appointment of the Department of Mental Hygiene as guardian of a mentally retarded person prior to July 1, 1971.

It is the intent of this section that the Director of Public Health be appointed as guardian or conservator of a mentally retarded person as provided, pursuant to the provisions of Article 7.5 (commencing with Section 416) of Chapter 2 of Part 1 of Division 1 of this code, in any case in which the Director of Mental Hygiene would otherwise have been so appointed.

Notwithstanding Section 6000 of the Welfare and Institutions Code, the admission of an adult mentally retarded person to a state hospital or private institution shall be upon the application of the person's parent or guardian.

CHAPTER 5 STATE MENTAL RETARDATION PROGRAM ADVISORY BOARD

38200 There is in the Human Relations Agency the State Mental Retardation Program Advisory Board.

The state board shall consist of 11 appointed voting members. Two members shall represent the general public; one member shall be the parent of a mentally retarded child who is not a patient in a state hospital; one member shall be the parent of a mentally retarded child who is a patient in a state hospital; one member shall be a county supervisor and the remaining six members shall each represent one of the following professions: medicine, psychology, social work, nursing, education, and law.

The Governor shall appoint the following seven members of the board: a county supervisor, and the six members representing the professions of medicine, psychology, social work, nursing, education, and law. The Chairman of the Senate Rules Committee shall appoint the following two members of the board: a representative of the general public, and the parent of a mentally retarded child who is a patient in a state hospital. The Speaker of the Assembly shall appoint the following two members of the board: a representative of the general public, and the parent of a mentally retarded child who is not a patient in a state hospital.

Of the members first appointed by the Governor, one shall hold office for three years, three shall hold office for two years, and three shall hold office for one year. The members appointed by the Chairman of the Senate Rules Committee and

by the Speaker of the Assembly each shall hold office for three years. Thereafter, each member shall hold office for three years.

38201. The members of the state board shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division

The state board shall meet at least quarterly, and on call of the board chairman as often as necessary to fulfill its duties. All meetings and records of the board shall be open to the public.

The state board shall, by majority vote of the voting members, elect its own chairman from among the 11 appointed members, and shall establish such committees as it deems necessary or desirable. The board chairman shall appoint all members of committees of the state board. The chairman may appoint such advisory committees composed of professional persons serving the mentally retarded as necessary for technical assistance.

38202. The state board shall advise the Health Planning Council, the secretary, the Governor and the Legislature on the initiation, coordination, and implementation of programs and projects for the mentally retarded, including, but not limited to, the following:

(a) Present and proposed programs of service for the mentally retarded of state, local governmental, and voluntary agencies.

(b) The development by the secretary of a state plan for mental retardation services and the system of priorities contained in a program budget to be developed by the secretary.

(c) The development by the Health Planning Council of the mental retardation portion of the state plan for all health services.

(d) Standards for services in various facilities that are now being operated or which will hereafter be created.

(e) Standards and rates of state payment for any services purchased for mentally retarded persons through the regional centers.

(f) The development of uniform recordkeeping in all services for the mentally retarded

(g) The coordination of services and research activities in the field of mental retardation, including the evaluation of services and programs, studies of the prevalence of mental retardation, and the development of experimental programs.

(h) The stimulation of planning for professional training in the state universities and colleges

38203. The state board shall prepare and render annually a written report of its activities and its recommendations to the Health Planning Council, the Secretary of the Human Relations Agency, the Governor and the Legislature.

38204. To the extent feasible, the departments of state government shall cooperate with and furnish such information, records, and documents, as the state board may request, except for confidential patient records

38205. The state board may appoint an executive secretary who may appoint persons to such staff positions as the board may authorize within available funds. The affirmative votes of a majority of the members of the board shall be necessary for the appointment or removal of the executive secretary.

CHAPTER 6. FINANCIAL PROVISIONS

38250. It is the intent of this division that by July 1, 1971, state funds previously allocated to other agencies for the provision of out-of-home prehospital, hospital and posthospital care be allocated, to the fullest extent feasible, to regional centers to contract with appropriate agencies for the provision of out-of-home placements.

In the event either the Governor or the Legislature should obtain federal approval to transfer programs for the mentally retarded from other state departments to the Department of Public Health under the provisions of Public Law 90-577 (Intergovernmental Cooperation Act of 1968), the State Controller shall, upon approval of the Director of Finance, transfer to the Department of Public Health such parts of the appropriation of the other departments that are related to mental retardation programs; provided further, that such transfer shall enable the state to make maximum utilization of available state and federal funds

It is the intent of this division that the regional center program be funded by the state on a regional basis using the maximum of federal funds available, and that all funds be transmitted through the department to each regional center.

38251. When appropriated by the Legislature, the secretary may receive and expend all funds made available by the federal government, the state, its political subdivisions, and other sources, and, within the limitation of the funds made available, shall act as an agent for the transmittal of such funds for services through the regional centers. The secretary may use any funds received under Article 2 (commencing with Section 249) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code for the purposes of this division.

38252. The secretary may accept and expend grants, gifts, and legacies of money and, with the consent of the Department of Finance, may accept, manage and expend grants, gifts and legacies of other property, in furtherance of the purposes of this division.

The secretary may enter into agreements with any person, agency, corporation, foundation, or other legal entity to carry out the purposes of this division

38253. The secretary, in the same manner and subject to the same conditions as other state agencies, shall submit a

program budget annually to the Department of Finance, including not only expenditures proposed to be made under this division, but also expenditures proposed to be made under any related program or by any other state agency, designed to provide services incidental to the functions to which this division relates. The secretary may require state departments to contract with it for services to carry out the provisions of this division.

Notwithstanding any other provision of law, authorized services to eligible persons, as defined in this division, provided by all state agencies, including, but not limited to, the Departments of Education, Mental Hygiene, Public Health, Rehabilitation and Social Welfare shall, to the fullest extent permitted by federal law, by contract or otherwise, be made available upon request of the director, and the approval of the secretary, to the department for services to eligible persons.

The secretary shall consult with the departments involved in developing the statewide plan and program budget, and shall seek the advice of the state board.

38254. The secretary shall adopt rules and regulations to carry out the provisions of this division and to prescribe standards of service which shall be satisfied and maintained as a condition to the payment of state funds by a regional center.

The secretary shall provide regional centers with current lists of approved facilities and services. Regional centers may not expend state funds for services which are not approved by the secretary, notwithstanding any other certification, licensing, or approval of the facility or service.

The secretary shall not adopt standards which are in conflict with those governing services under the jurisdiction of the State Superintendent of Public Instruction.

38255. The secretary shall establish rates of state payment for services purchased by regional centers for mentally retarded persons. An equitable system of rates shall be developed prior to July 1, 1971.

38256. The secretary shall coordinate all mental retardation services and related programs, conducted by state agencies, with the federal government and ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans or programs conform to the provisions of this division. Any plan proposed to be submitted by any such agency to the federal government in relation to a mental retardation or related program shall first be submitted to the secretary for his review. The secretary may require state departments to contract with it for services to carry out the provisions of this division.

38257. After July 1, 1971, parents of children under the age of 18 who are receiving services purchased by the regional center may be required to contribute to the cost of services depending upon their ability to pay, but not to exceed the

cost of caring for a normal child at home, as determined by the secretary. Parental contributions shall be made only to the regional center and the method of determination of the amount of the contribution shall be the same, whether the child is placed in the state hospital or in a public or private community facility. In no event, however, shall parents be charged for diagnosis or counseling services received through the regional centers. Nothing in this section shall be construed to prevent parental contributions to regional centers prior to July 1, 1971.

38258. The secretary shall propose a schedule for parental fees for services received through the regional centers to be submitted to the Legislature no later than the fifth legislative day of the 1970 Regular Session of the Legislature.

In establishing the amount parents will contribute, the secretary shall take into account such factors as:

(a) Medical expenses incurred prior to regional center care;

(b) Whether the child is living at home;

(c) Parental contributions for medical expenses, clothing, incidentals, and other items considered necessary to the normal rearing of a child; and

(d) Transportation expenses incurred in visiting a child placed in a facility outside the region.

All parental contributions shall be utilized for the provision of additional direct services to the retarded.

38259. Counties shall pay to the regional centers, for each person receiving purchased out-of-home care through a regional center in a state hospital, such amount as established by the director, but not to exceed twenty dollars ($20) per month. Such amount shall be reduced by the amount paid to the regional center by the parent.

38260. State funds appropriated for the purposes of this division shall not be used to supplant city or county matching funds required under the Budget Act of 1969.

For purposes of this section, city or county matching funds required under the Budget Act of 1969 for services specified in Section 38106 which are provided under the Short-Doyle Act shall be deemed to be the amount of matching funds specified for such services in the city or county Short-Doyle plan as approved by the Director of Mental Hygiene for the 1969–70 fiscal year.

For the purposes of this section, the Secretary, with the approval of the Department of Finance, shall determine the amount of city or county matching funds with respect to each city or county.

38261. Any services specified in Section 38106 which are provided by cities or counties in accordance with the area plan approved by the secretary and not, as determined by the secretary with the approval of the Department of Finance, provided for in the Budget Act of 1969, including, but not limited

to, services under the Short-Doyle Act, shall be eligible for funding on the same basis as services provided for in this division.

CHAPTER 7. EVALUATION

38300. The secretary shall by January 1, 1973, make provision for an evaluation of all aspects of the program provided for by this division, including, but not limited to: the number, age and type of clients served; the kind of services provided; the effectiveness of the service; the equity of the fees charged to parents; the effectiveness and quality of state and area planning; and the range and availability of services.

SEC. 15. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. As used in this code, "mentally retarded persons" means those persons who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, because they are a danger to themselves or others.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feebleminded" and "feeblemindedness" are used, they shall be construed to refer to and mean "mentally retarded" and "mental retardation," respectively, as defined in this section All persons heretofore committed or admitted as feebleminded to any state hospital for the mentally retarded, or committed to the Department of Mental Hygiene for placement therein, shall be deemed to have been committed or admitted thereto as mentally retarded persons.

SEC. 16. Section 7511 of the Welfare and Institutions Code is amended to read:

7511. The portion of the cost of such care payable by the county for mentally retarded persons placed in state hospitals prior to July 1, 1971, shall be determined by the Department of Mental Hygiene from time to time, subject to the approval of the Department of Finance, but in no case shall it exceed the rate of twenty dollars ($20) per month.

SEC. 17. Section 15 of this act shall become operative on July 1, 1971.

CHAPTER 1595

An act to amend Section 9942 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 9942 of the Business and Professions Code is amended to read:

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. If, however, the applicant is a member of an employment agency system having other enfranchised members, the bureau shall accept a proposed name which utilizes the name of the system together with a designation not already licensed to another agency which the bureau determines will reasonably serve to identify the applicant. In such case the applicant shall have the right to continue to use such name only so long as job positions advertised by it are made available to persons inquiring about such job positions at offices of other members of the system.

Notwithstanding the provisions of this subdivision, the bureau shall approve as the proposed name, except where a different name is applied for, 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.

CHAPTER 1596

An act to amend Sections 6484, 6490, 6491, 6492, 6495, 6497, and 6498 of, and to add Section 6473.5 to, the Education Code, and to repeal Section 6 of Chapter 106 of the Statutes of 1966, First Extraordinary Session, relating to special educational programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 6473.5 is added to the Education Code, to read:

6473.5. The Director of Compensatory Education shall not recommend, and the State Board of Education shall not approve, a project or program in compensatory education without assurance that the teacher in the class in which the project or program is to be conducted and other certificated personnel required to provide services under the project or program hold a regular credential.

SEC. 1.5. Section 6484 of the Education Code is amended to read:

6484. Apportionments to a school district shall be in the form of grants, no part of which shall be required to be matched by a district as a condition to receiving state aid under this article.

In making allocations pursuant to this article the Director of Compensatory Education shall use an allocation factor equivalent to the average statewide teacher salary per full-time equivalent classroom teacher.

SEC. 2. Section 6490 of the Education Code is amended to read:

6490. It is the intent and purpose of the Legislature that exemplary programs be established for intensive instruction in reading and mathematics to serve as demonstration projects aimed solely at developing, within pupils, above-average competence in these basic skill subjects. The program shall be developed to serve pupils in grade 7, 8, or 9 who attend school in designated areas of disadvantage, and who otherwise would find difficulty in achieving complete success in high school.

It is the further intent of the Legislature that these programs in intensive instruction in reading and mathematics be

operated by school districts directly, or by school districts through contract for partial or complete operation with any competent public or private agency, foundation or corporation. It is also the intent of the Legislature that authority be granted to permit the waiver of any provision of the Education Code by the program approving agency, if such is necessary for the development of model demonstration programs in the intensive instruction in reading and mathematics.

SEC. 3. Section 6491 of the Education Code is amended to read:

6491. From the funds appropriated therefor by the Legislature to the Department of Education for the purposes of this article, the Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with the approval of the State Board of Education, shall administer this article and make apportionments to school districts to meet the total approved expense of the school districts incurred in establishing demonstration programs in the intensive instruction in reading and mathematics for pupils in grades 7, 8, or 9.

SEC. 4. Section 6492 of the Education Code is amended to read:

6492. The governing board of any district which maintains grades 7, 8, or 9 on account of any school or schools located in any area designated by the Director of Compensatory Education pursuant to the provisions of Education Code Section 6482, may make application to establish and operate a program under this article. The application shall be in the form and shall contain such data and information as the director shall specify.

SEC. 4.5. Section 6495 of the Education Code is amended to read:

6495. The State Board of Education shall adopt regulations setting forth the standards and criteria to be used in the evaluation of applications submitted by school districts. The standards and criteria adopted by the State Board of Education, among other items, shall include a statement of specific goals to be sought in the program both in terms of pupil achievement and for the purpose of establishing a model program, and the requirements for evaluation of the program.

Projects shall be approved only if it can be shown that, if successful, the cost effectiveness of the project will be such as to be adaptable within the budgets of other similar school districts throughout the state.

Projects shall be continually reviewed regarding their effectiveness in improving the achievement levels of pupils in reading and mathematics. Projects which are least cost effective shall be terminated and shall be replaced with ones of proven effectiveness or by new projects which hold promise of increased effectiveness.

SEC. 5. Section 6497 of the Education Code is amended to read:

6497. No later than the fifth legislative day of each regular session of the Legislature, the Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with approval of the State Board of Education, shall submit a report to the Legislature on the implementation and evaluation of demonstration programs under this article, including the achievement of pupils, an analysis of the costs of each project detailed in terms of the costs of design, implementation and continuing operational expenses, including the degree of cost effectiveness of each project. The report shall also include recommendations concerning improvement, retention, extension or other aspects of the program.

SEC. 6. Section 6498 of the Education Code is amended to read:

6498. This article shall have no force or effect after the 91st day following the adjournment of the 1972 Regular Session of the Legislature.

SEC. 7. Section 6 of Chapter 106 of the Statutes of 1966, First Extraordinary Session, is repealed.

SEC. 8. The sum of nine million five hundred thousand dollars ($9,500,000) is hereby appropriated from the General Fund to the Department of Education for the purposes of this act.

SEC. 9. 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 programs continued in effect by this act to be available at the beginning of the 1969–1970 school year, this act must become effective immediately.

CHAPTER 1597

An act to amend Section 8170 of the Government Code and Sections 2, 4, 4.5, 5, and 7 of Chapter 1212, 1963 Statutes, relating to the Capitol Area Plan.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 8170 of the Government Code is amended to read:

8170. Following the adoption of the official master plan by the Legislature, the commission shall report to that body at each of its sessions. The report shall list the state building

construction projects initiated or completed since the last report, shall set forth the commission's appraisal of the degree to which such projects conform to the official master plan and shall incorporate the report made to it by the Director of General Services relating to his acquisition and improvement of real property in the City of Sacramento. The commission may include in its report such recommendations for revisions of the plan as from time to time become necessary or desirable for the orderly development of the Capitol area.

SEC. 2. Section 2 of Chapter 1242 of the Statutes of 1963 is amended to read:

Sec. 2. There is hereby appropriated the sum of thirteen million dollars ($13 000,000), or so much thereof as may be necessary, from the School Land Fund for the acquisition and improvement of real property in the City of Sacramento and within the boundaries of the Capitol Area Plan as approved and adopted by the Legislature for use as parking lots and as sites for state buildings and other improvements consistent with the Capitol Area Plan. The real property shall be acquired under the provisions of the Property Acquisition Law except that the Department of General Services shall have jurisdiction and control of the real property free of any trust or other obligations. Improvements constructed under this section shall be limited to the construction of parking facilities and the repair and alteration of improvements existing on the land at the time of purchase by the state.

SEC. 3. Section 4 of Chapter 1242 of the Statutes of 1963 is amended to read:

Sec. 4. The Director of General Services may lease all or any portion of the real property on such terms and conditions as he may determine and shall maintain, improve, and care for such property in order to secure rent therefrom. The director may sell, remove, or demolish buildings or other structures on the property when he deems it desirable to do so. If the director leases all or any portion of the real property to any private person for other than parking, twenty-four percent (24%) of the money received as rental under any such lease shall be deposited in the "State Properties Rental Fund" created by Section 4.5. Except for any money required to be deposited in the "State Properties Rental Fund," all moneys collected pursuant to this section shall be deposited in the General Fund as provided by Section 15863 of the Government Code and all moneys now or hereafter so deposited shall be available for the purposes set forth in Section 15863 and for the purposes set forth in Section 5 of this act. Upon the effective date of the amendment to this section made at the 1969 Regular Session, any unencumbered balance available under the provisions of Section 15863, after the above deposit is made, which is in excess of one hundred thousand dollars ($100,000) shall be transferred by the Controller on order of the Director of General Services to the unappropriated balance of the General

Fund. A similar transfer shall be made at the end of each fiscal year. The Director of General Services shall report expenditures for the past fiscal year, estimate expenditures for the current fiscal year, and project proposed expenditures for the budget year in the budget document each fiscal year.

Notwithstanding anything contained herein the director may designate portions of the real property as parking facilities under the provisions of Government Code Section 14678, in which case revenues from parking shall be deposited as therein provided.

SEC. 4. Section 4.5 of Chapter 1242 of the Statutes of 1963 is amended to read:

Sec. 4.5. There is hereby created in the State Treasury the "State Properties Rental Fund."

The Director of General Services shall, not later than the first day of November next following the close of any fiscal year after the effective date of this act, pay the rents deposited in the "State Properties Rental Fund" to the County of Sacramento. The director shall notify the county of the rental and location of each piece of rental property for which rents are deposited in the fund.

The county shall distribute any payment received by it pursuant to this section to itself, to each revenue district for which the county assesses and collects real property taxes or assessments, and to every other taxing agency within the county in which the property is situated. The amount distributable to the county and each such revenue district or other taxing agency shall be proportionate to the ratio which the amount of the taxes and assessments of each on similar real property similarly situated within that part of the county embracing the smallest in area of the revenue districts or other taxing agencies other than the county, levied for the fiscal year next preceding, bears to the combined amount of the taxes and assessments of all such districts and agencies, including the county, on such property levied for that year. The county auditor shall determine and certify the amounts distributable to the board of supervisors, which shall thereupon order the making of the distribution.

Any money distributed pursuant to this section to the county, or revenue district or other taxing agency shall be deposited to the credit of the same fund as any taxes or assessments on any taxable similar real property similarly situated.

Where the county receives a payment pursuant to this section in an amount of twenty-five dollars ($25) or less in respect to any parcel of leased property, all of such payment shall be distributed to the county for deposit in the county general fund.

As used in this section, the terms "taxing agency" and "revenue district" have the same meanings given them in the Revenue and Taxation Code.

The money received by the respective jurisdictions under this section may be expended by them for any proper state purpose not prohibited by the State Constitution.

SEC. 5. Section 5 of Chapter 1242 of the Statutes of 1963 is amended to read:

Sec. 5. All costs or expenses, including administrative costs, incurred in maintaining, improving and caring for such real property or in demolishing, selling, or removing improvements therefrom, may be reimbursed or paid from moneys available under the provisions of Section 15863 of the Government Code.

SEC. 6. Section 7 of Chapter 1242 of the Statutes of 1963 is amended to read:

Sec. 7. The Director of General Services shall submit an annual report to the Capitol Building and Planning Commission which shall fully report all the acquisitions, prices paid, improvements made and revenues received on account of the activities authorized by this act. Such report shall also include a statement of all costs and expenses, including administrative costs, incurred under this act. The director's report shall be made a part of the annual report submitted to the Legislature by the commission.

CHAPTER 1598

An act to amend Sections 35711 and 35712 of the Vehicle Code, relating to vehicle weights.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 35711 of the Vehicle Code is amended to read:

35711. No ordinance adopted pursuant to Section 35706 or 35707 or 35712 shall prohibit any commercial vehicle from using any county highway by direct route to or from a state highway for the purpose of delivering or loading for transportation goods, wares, or merchandise.

SEC. 2. 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 or of the ninth class as defined by Section 28030 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.

(c) This section does not apply to a vehicle operated by or on behalf of a public utility in connection with the installation, operation, maintenance, or repair of its facilities.

SEC. 3. 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 or of the ninth class as defined by Section 28030 of the Government Code may, by ordinance, prohibit the use of any highway located in an unincorporated residential or subdivision are by any commercial vehicle exceeding a gross weight of 5,000 pounds.

(c) This section does not apply to a vehicle operated by or on behalf of a public utility in connection with the installation, operation, maintenance, or repair of its facilities.

(d) No ordinance which is adopted pursuant to this section after the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature shall apply to any state highway which is included in the national system of interstate and defense highways, except an ordinance which has been approved by the California Highway Commission by a four-fifths vote.

SEC. 4. It is the intent of the Legislature, if amendments to Section 35712 of the Vehicle Code proposed by both this bill and S.B. 1075 are enacted, that both amendments be given effect and incorporated in Section 35712 in the form set forth in Section 3 of this act. Therefore, in the event S.B. 1075 is enacted and amends Section 35712, Section 3 of this act shall become operative at the same time that Section 35712 as amended by S.B. 1075 becomes operative, and at that time, Section 35712 of the Vehicle Code as amended by Section 2 of this act is repealed.

CHAPTER 1599

An act to amend Sections 12000, 12500, and 68204 of, to add Article 1 (commencing with Section 11550) and Article 3 (commencing with Section 11675) to Chapter 6 of Part 1 of Division 3 of Title 2 of, and to repeal Article 1 (commencing with Section 11550) of Chapter 6 of Part 1 of Division 3 of Title 2 of, and Section 12505 of, the Government Code, relating to salaries of state officials.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 1 (commencing with Section 11550), of Chapter 6, Part 1, Division 3, Title 2 of the Government Code is repealed.

SEC. 2. Article 1 (commencing with Section 11550) is added to Chapter 6, Part 1, Division 3, Title 2 of the Government Code, to read:

Article 1. Salaries of Specified Positions

11550. An annual salary of thirty-five thousand dollars ($35,000) shall be paid to each of the following:

(a) Director of Finance
(b) Secretary of Business and Transportation Agency
(c) Secretary of Resources Agency
(d) Secretary of Human Relations Agency
(e) Secretary of Agriculture and Services Agency.

11550.5. An annual salary of thirty-two thousand five hundred dollars ($32,500) shall be paid to each of the following:

(a) Director of Mental Hygiene
(b) Director of Public Health.

11551. An annual salary of thirty-one thousand five hundred dollars ($31,500) shall be paid to each of the following:

(a) President of the Public Utilities Commission.

11552. An annual salary of thirty thousand dollars ($30,000) shall be paid to each of the following:

(a) Superintendent of Banks
(b) Commissioner of Corporations
(c) Director of Employment
(d) Insurance Commissioner
(e) Director of Public Works
(f) Real Estate Commissioner
(g) Savings and Loan Commissioner
(h) Director of Social Welfare
(i) Director of Water Resources
(j) Director of Agriculture
(k) Director of Corrections
(*l*) Director of General Services
(m) Director of Industrial Relations
(n) Director of Motor Vehicles
(o) Director of Youth Authority
(p) Director of Health Care Services
(q) Commissioner, California Highway Patrol
(r) Members of the Public Utilities Commission
(s) Director of Human Resources Development
(t) Director of Alcoholic Beverage Control.

11552.5. Effective January 1, 1971 an annual salary of thirty-five thousand dollars ($35,000) 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.

11553. An annual salary of twenty-eight thousand eight hundred seventy-five dollars ($28,875) will be paid to each of the following:

(a) Chairman of the Unemployment Insurance Appeals Board.

11554. An annual salary of twenty-seven thousand five hundred dollars ($27,500) shall be paid to each of the following:

(a) Director of Conservation
(b) Director of Fish and Game
(c) Executive Officer, Franchise Tax Board
(d) Director of Parks and Recreation
(e) Director of Rehabilitation
(f) Director of Veterans Affairs
(g) Director of Commerce
(h) Director of Professional and Vocational Standards
(i) Members of the Unemployment Insurance Appeals Board
(j) Deputy Director of the Department of Justice
(k) State Architect.

11555. An annual salary of twenty-six thousand two hundred fifty dollars ($26,250) shall be paid to the following:

(a) Chairman of the Adult Authority Board
(b) Chairman of the Board of Equalization
(c) Chairman of the State Water Resources Control Board
(d) Chairman of the Youth Authority Board.

11556. An annual salary of twenty-five thousand dollars ($25,000) shall be paid to each of the following:

(a) Director of Harbors and Watercraft
(b) Director, California Disaster Office
(c) Director, Department of Housing and Community Development
(d) Members of the Adult Authority
(e) Members of the Board of Equalization
(f) Members of the State Water Resources Control Board
(g) Members of the Youth Authority Board
(h) State Fire Marshal
(i) Deputy Director of Employment.

11558. An annual salary of twenty-three thousand dollars ($23,000) shall be paid to each of the following:

(a) State Planning Officer.

11558.5. An annual salary of twenty-two thousand five hundred dollars ($22,500) shall be paid to each of the following:

(a) State Printer.

11559. An annual salary of twenty thousand dollars ($20,000) shall be paid to each of the following:

(a) Commissioner of Economic Development.

11560. An annual salary of eighteen thousand nine hundred dollars ($18,900) shall be paid to each of the following:

(a) Presiding Officer of the Alcoholic Beverage Control Appeals Board.

11560.1. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following:

(a) Each member of the Alcoholic Beverage Control Appeals Board

(b) Consumer Counsel

(c) Secretary of the California Horse Racing Board.

11562.5. An annual salary of twelve thousand six hundred dollars ($12,600) shall be paid to each of the following:

(a) Chairman, Narcotic Addict Evaluation Authority.

11563.1. An annual salary of eleven thousand nine hundred seventy dollars ($11,970) shall be paid to each of the following:

(a) Members, Narcotic Addict Evaluation Authority.

11563.2. An annual salary of eleven thousand three hundred forty dollars ($11,340) shall be paid to each of the following:

(a) Chairman, California Women's Board of Terms and Paroles.

11563.3. An annual salary of nine thousand three hundred forty-five dollars ($9,345) shall be paid to each of the following:

(a) Chairman, Board of Barber Examiners.

11563.5. An annual salary of ten thousand seven hundred ten dollars ($10.710) shall be paid to each of the following:

(a) Member, California Women's Board of Terms and Paroles.

11563 6. An annual salary of eight thousand eight hundred twenty dollars ($8.820) shall be paid to each of the following:

(a) Member. Board of Barber Examiners.

11563.7. An annual salary of ten thousand eighty dollars ($10,080) shall be paid to each of the following:

(a) Member, State Personnel Board.

11564. An annual salary of two thousand two hundred sixty-eight dollars ($2,268) shall be paid to each of the following:

(a) Commissioner-Secretary, Board of Harbor Commissioners for Humboldt Bay.

11565. An annual salary of six hundred thirty dollars ($630) shall be paid to each of the following:

(a) Commissioner, Board of Harbor Commissioners for Humboldt Bay.

SEC. 2.5. Section 12000 of the Government Code is amended to read:

12000. The annual salary of the Governor is forty-nine thousand one hundred dollars ($49,100).

SEC. 2.6. Section 12500 of the Government Code is amended to read:

12500. An annual salary of forty-two thousand five hundred dollars ($42,500) 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. 2.7. Section 12505 of the Government Code is repealed.

SEC. 3. Article 3 (commencing with Section 11675) is added to Chapter 6, Part 1, Division 3, Title 2, of the Government Code, to read:

Article 3. Committee on Executive Salaries

11675. There is established a Committee on Executive Salaries which shall consist of the following: (1) the Governor's Appointment Secretary, (2) two Members of the Senate appointed by the Senate Rules Committee, (3) two Members of the Assembly appointed by the Speaker thereof, (4) the Chairman of the Commission on California State Government Organization and Economy, (5) a member of the Commission on California State Government Organization and Economy appointed by the chairman of the commission, (6) a member of the State Personnel Board, and (7) the Director of the Department of Finance.

11676. The members of the committee shall be appointed biennially, starting January 30, 1970, for a period of one year.

11677. Staff assistance to the committee shall be supplied jointly by the Department of Finance, the Legislative Analyst, and the State Personnel Board.

11678. The committee shall investigate and study all pertinent data regarding salary changes of state personnel and similar executive positions in private and other government organizations. The committee will assist the Governor and the Legislature in maintaining equitable salary relations internally among the various executives. It shall report at least once every two years to the Legislature starting in January, 1971 and recommend statutory changes where appropriate.

11679. The Members of the Legislature appointed to the committee shall meet with and participate in the work of the committee to the extent that such participation is not incompatible with their positions as Members of the Legislature. For the purposes of this article, such Members of the Legislature shall constitute a joint investigating committee on the subject of this article, and shall have the powers and duties imposed on such committees by the Joint Rules of the Senate and Assembly.

SEC. 3.5. Section 68204 of the Government Code is amended to read:

68204. The justices and judges named in Sections 68200 to 68202, inclusive, shall not be deemed state officers for the purposes of Section 11569.

SEC. 4. An annual salary of twenty-five thousand dollars ($25,000) 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.

This section shall be inoperative after January 1, 1971.

CHAPTER 1600

An act to amend Sections 12500 and 68204 of, and to repeal Section 12505 of, the Government Code, relating to salary of the Attorney General.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 12500 of the Government Code is amended to read:

12500. An annual salary of forty-two thousand five hundred dollars ($42,500) 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. 2. Section 12505 of the Government Code is repealed.

SEC. 3. Section 68204 of the Government Code is amended to read:

68204. The justices and judges named in Sections 68200 to 68202, inclusive, shall not be deemed to be state officers for the purposes of Section 11569.

SEC. 4. This act shall become operative January 1, 1971.

CHAPTER 1601

An act to amend Section 19128 of the Business and Professions Code and Section 11560 of the Government Code, relating to state officers' salaries.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 19428 of the Business and Professions Code is amended to read:

19428. The board shall appoint a secretary who shall receive the annual salary established by the board and approved by the Director of Finance

SEC. 2. Section 11560 of the Government Code is amended to read:

11560. An annual salary of fourteen thousand dollars ($14,000) shall be paid to each member of the Alcoholic Beverage Control Appeals Board.

CHAPTER 1602

An act to amend Section 72602 of, and to add Section 72602.14 to, the Government Code, relating to municipal courts.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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
Newhall Municipal Court District	2

SEC. 2. 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	3
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	3
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1
Newhall Municipal Court District	2

SEC. 3. Section 72602.14 is added to the Government Code, to read:

72602.14. Upon the appointment of a second judge to the Newhall Municipal Court District, the office of commissioner in such district will become vacant, and, thereafter shall not be filled without the specific consent of the Legislature upon the recommendation of the Judicial Council, pursuant to a statute, and the approval of the county board of supervisors.

SEC. 4. It is the intent of the Legislature, if amendments to Section 72602 of the Government Code proposed by both this bill and Assembly Bill No. 1194 are enacted, that, operative January 1, 1970, both amendments be given effect and incorporated in Section 72602 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 1194 is enacted and amends Section 72602, Section 1 of this act shall not take effect, and Section 2 of this act shall become

operative on January 1, 1970. It is the intent of the Legislature that if Assembly Bill No. 1194 is enacted, Section 72602 of the Government Code as amended by that bill remain in effect until January 1, 1970. If Assembly Bill No. 1194 is not enacted, Section 2 of this act shall not take effect.

SEC. 5. Sections 1 and 3 of this act shall become operative on January 1, 1970.

CHAPTER 1603

An act to amend Sections 21683 and 21685 of the Public Utilities Code, relating to the Airport Assistance Revolving Fund.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 21683 of the Public Utilities Code is amended to read:

21683. (a) No payment shall be made to a public entity pursuant to Section 21682 unless the public entity has established a special aviation fund and deposits in such fund each year, for expenditure solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the division pursuant to Section 21682. Payments received by a public entity shall be deposited in its special aviation fund.

(b) No payment shall be made for any airport to the University of California pursuant to Section 21682 unless the university has established a special aviation fund and deposits in such fund each year, for expenditures solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the Department of Aeronautics pursuant to Section 21682. University matching funds deposited pursuant to this section shall not include state or federal appropriated funds. Payments received by the university shall be deposited in its special aviation fund.

(c) Allocated and matching funds under this program may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects must be obtained from the Department of Aeronautics.

(d) Payments made to public entities from the Airport Assistance Fund and matching funds must be expended upon the airport for which funds are requested. If a public entity owns more than one airport, allocated and matching funds for other airports cannot be expended or accrued for expenditure on one selected airport, provided, however, that the division may grant a waiver of the provisions of this subdivision in extenuating circumstances.

(e) No allocation shall be made to any public entity or to the University of California from the Airport Assistance Re-

volving Fund for expenditure upon any airport which is not open to use by the general public.

SEC. 2. Section 21685 of the Public Utilities Code is amended to read:

21685. Any public entity and the University of California may apply to the Department of Aeronautics during the first six months of the year for the allocation of funds for the acquisition and development of airports. The Department of Aeronautics may make an allocation to a public entity and the University of California if it determines that the proposed acquisition and development is feasible and in accordance with the policies and standards established by the Department of Aeronautics.

No allocation shall be made to a public entity unless it has established a special aviation fund and has deposited in such fund, for expenditure solely for acquisition and development of airports, a sum at least equal to the allocation which the Department of Aeronautics is to make. All moneys received by a public entity pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports. No money allocated under Section 21684 or money appropriated by the public entity for matching this allocation shall be expended for operation or maintenance of an airport.

No allocation shall be made to the University of California unless it has established a special aviation fund and has deposited in such fund, for expenditure solely for acquisition and development of airports, a sum at least equal to the allocation which the Department of Aeronautics is to make. University matching funds deposited pursuant to this section shall not include state or federal appropriated funds. All money received by the university pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports to be used by the general public. No money allocated under Section 21684 or money deposited by the university to match this allocation shall be expended for operation or maintenance of an airport.

No allocation shall be made to any public entity or to the University of California from the Airport Assistance Revolving Fund for expenditure upon any airport which is not open to use by the general public.

CHAPTER 1604

An act to add Article 4 (commencing with Section 21680) to Chapter 4 of Part 1 of Division 9 of, and to repeal Article 4 (commencing with Section 21680) of Chapter 4 of Part 1

of Division 9 of, the Public Utilities Code, relating to the Airport Assistance Revolving Fund.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Article 4 (commencing with Section 21680) of Chapter 4 of Part 1 of Division 9 of the Public Utilities Code is repealed.

SEC. 2. Article 4 (commencing with Section 21680) is added to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 4. Airport Assistance Revolving Fund

21680. The Airport Assistance Revolving Fund is hereby continued in the State Treasury. The moneys in the fund are continuously appropriated for expenditure by the board and the department as provided in this article.

21681. For the purposes of this article:

(a) "Own and operate" means that the public entity must own property in fee simple or by a long-term lease of a minimum of 20 years, unless otherwise approved by the department, and must maintain dominion and control of the property. Operations of the airport will be for and on behalf of the public entity. All leases to the public entity of property must be approved by the department. A lease of the property to an agent or agency other than the public entity does not meet the criteria for participation in airport assistance funds.

(b) "Matching funds" means new moneys that must be provided each year by the public entity. Previous fund balances, previous matching funds, and funds received from state and federal agencies shall not constitute matching funds.

(c) "General aviation" means all aviation with the exception of air carrier and military aviation.

(d) "Public agency" means any city, county, airport district, airport authority, port district, port authority, public district, public authority, political subdivision or public corporation.

(e) "Public entity" means public agencies and the University of California.

(f) "Airport and aviation purposes" means expenditures of a capital improvement nature for any of the following purposes:

(1) Land acquisition for development and improvement of general aviation aircraft landing facilities.

(2) Grading and drainage necessary for the construction or reconstruction of runways or taxiways.

(3) Construction or reconstruction of runways or taxiways.

(4) Acquisition of "runway clear zones" as defined in current regulations of the Federal Aviation Administration.

(5) Acquisition of easements through, or other interests in, airspace as may be reasonably required for safeguarding aircraft operations in the vicinity of an aircraft landing facility.

(6) Removal of natural obstructions from runway clear zones.

(7) Original installation of "segmented circle airport marker systems" as defined in current regulations of the Federal Aviation Administration.

(8) Original installation of runway, taxiway, boundary, or obstruction lights, together with directly related electrical equipment.

(9) Original erection of minimum security fencing around the perimeter of an aircraft landing facility.

(10) Grading and drainage necessary to provide for parking of transient general aviation aircraft.

(11) Servicing of revenue or general obligation bonds issued to finance capital improvements for airport and aviation purposes.

(12) Such other capital improvements as may from time to time be designated in rules and regulations promulgated by the department.

Expenditures which cannot be clearly identified as capital improvements must be submitted to the department for consideration and approval.

(g) "Operation and maintenance" means expenditures for wages or salaries, utilities, service vehicles, and all other noncapital expenditures which are included in insurance, professional services, supplies, construction equipment, upkeep and landscaping, and such other items of expenditure which may be designated as "operation and maintenance" in rules and regulations promulgated by the department.

21682. (a) The department shall, subject to the provisions of Section 21684, pay from the fund to each public agency owning and operating an airport or airports under a valid permit issued by the department the sum of two thousand five hundred dollars ($2,500) annually for each such airport, to be expended solely for airport and aviation purposes.

(b) The department shall, subject to the provisions of Section 21684, pay from the fund to the University of California the sum of two thousand five hundred dollars ($2,500) annually for each airport used by the general public and owned and operated by the university under a valid permit issued by the department, to be expended solely for the airport and for aviation purposes related to such airport.

(c) If, in any year, there is insufficient money in the fund to make the payments specified in subdivisions (a) and (b),

the department shall, subject to the provisions of Section 21684, pay to each such public entity an amount which is equal to the total amount of money in the fund multiplied by a percentage equivalent to the proportion which the airport or airports of the public entity for which payment is required to be made pursuant to subdivisions (a) and (b) bear to the total number of airports for which payment is required to be made pursuant to subdivisions (a) and (b).

(d) No moneys paid under this section shall be expended for operation and maintenance.

(e) No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

21683. Any balance remaining in the fund after the payments made under Section 21682 shall be used at the discretion of the board for airport and aviation purposes, subject to the provisions of Section 21684.

Any public entity may apply to the department prior to January 31 in each year for the allocation of funds for the acquisition or development of airports. The board may, pursuant to rules and regulations promulgated by the department, make an allocation to such public entity if it determines that the proposed acquisition or development is feasible and in accordance with the policies and standards established by the department. The department shall make recommendations to the board on all applications. Such allocations will be represented as subventions in the department budget in accordance with Section 21206.

Payments made to public entities from the Airport Assistance Revolving Fund, and matching funds, must be expended for airport and aviation purposes upon the airport for which funds are requested; provided, however, that the department may grant a waiver in extenuating circumstances. No moneys paid under this section shall be expended for operation and maintenance. No payment shall be made under this section to any public entity for any airport on which general or commercial aviation activities are substantially restricted if the airport is licensed to conduct such activities by the department. The department shall determine whether or not general or commercial aviation activities are restricted.

21684. (a) No payment shall be made to a public agency pursuant to this article unless the public agency has established a special aviation fund in which all payments received by a public agency under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made to a public agency pursuant to Section 21682 or 21683 unless the public agency deposits in its special aviation fund each year, for expenditures solely for

airport and aviation purposes, a sum at least equal to the amount to be paid by the board or the department pursuant to these sections. Notwithstanding the provisions of this subdivision inasmuch as they require matching funds, the department shall pay a sum of two thousand five hundred dollars ($2,500) annually to a county with a population of under 1,000, as determined by the last federal decennial census, for the purpose of constructing and maintaining an airport.

(b) No payment shall be made for any airport to the University of California pursuant to this article unless the university has established a special aviation fund in which all payments received by the university under this article shall be deposited for expenditure solely for airport and aviation purposes. No payment shall be made for any airport to the University of California pursuant to Section 21682 or 21683 unless the university deposits in its special aviation fund each year, for expenditure solely for airport and aviation purposes, a sum from nonstate or nonfederal funds at least equal to the amount to be paid by the board or the department pursuant to these sections, or unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum at least equal to the amount to be paid by the board or the department pursuant to these sections; provided, however, that any such sums deposited by the university or paid by such city or county may be considered jointly as meeting the requirements of this section. The payments received from a city or county pursuant to these sections are to be expended solely for the airport and for aviation purposes related to such airport. All payments received by the university shall be deposited in its special aviation fund.

(c) Allocated and matching funds under this article may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects must be obtained from the department.

21685. Any public agency may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the public agency may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the public agency paying the money.

21686. It shall be the duty of the State Controller to make such audit or audits of the books and records of public entities receiving payments or allocations under this article as he may deem necessary from time to time for the purpose of determining that the money received by such public entities as payments or allocations hereunder has been expended for the purposes and under the conditions authorized by this article.

21687. Whenever any airport, for which payments have been made from the Airport Assistance Revolving Fund,

ceases to be used as an airport open to the general public for a period in excess of one year, the public entity to which such payments were made shall pay to the state, which payments shall be deposited in the Airport Assistance Revolving Fund, an amount computed by the State Controller. The amount shall equal the total of all payments made for such airport from the Airport Assistance Revolving Fund during the preceding 20 years less 5 percent of the amount of a particular payment multiplied by the number of years since the payment was made. The provisions of this section shall not be applicable to an airport that is replaced by a comparable facility, as determined by the department, within a period of one year.

21688. (a) Effective July 1, 1967, no payments shall be made from the Airport Assistance Revolving Fund for expenditure on any airport or for the acquisition or development of any airport if the department determines that the air space control and height restrictions in any airport hazard area of the airport are inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards.

The airspace control provisions shall not be considered adequate unless as a minimum they comply with the requirements of Part 77 of the Federal Aviation Regulations of the Federal Aviation Administration, Department of Transportation, or any corresponding rules or regulations of the Federal Aviation Administration are met.

(b) This section shall not prevent or prohibit the department from assisting any city, county or airport district in planning airport development or in planning the zoning needs around an airport.

SEC. 3. Section 21680 of the Public Utilities Code, as proposed by Section 2 of this act, is amended to read:

21680. The Airport Assistance Revolving Fund is hereby continued in existence as the Airport Assistance Revolving Account in the State Transportation Fund. The moneys deposited to the credit of the account are continuously appropriated for expenditure by the board and the department as provided in this article.

Any reference in any law or regulation to the Airport Assistance Revolving Fund or to the Airport Assistance Fund shall be deemed to refer to the Airport Assistance Revolving Account in the State Transportation Fund. As used in this article, "fund" shall be deemed to refer to the Airport Assistance Revolving Account in the Transportation Fund.

SEC. 4. It is the intent of the Legislature, if amendments to Section 21680 of the Public Utilities Code proposed by A.B. 461 are enacted, that such amendments be given effect and incorporated in Section 21680 in the form set forth in Section 3 of this act. Therefore, in the event A.B. 461 is enacted and

amends Section 21680, Section 3 of this act shall become operative at the same time that Section 21680 as amended by A.B. 461 becomes operative, and at that time, Section 21680 of the Public Utilities Code as proposed by Section 2 of this act is repealed.

CHAPTER 1605

An act to amend Section 23754 of, and to add Section 23754.2 to, the Education Code, relating to the state colleges.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 23754 of the Education Code is amended to read:

23754. Except as otherwise specially provided, an admission fee and rate of tuition fixed by the trustees shall be required of each nonresident student. The rate of tuition to be paid by each nonresident student shall not be less than three hundred sixty dollars ($360) per year, except that the rate of tuition to be paid by each nonresident student who is a citizen and resident of a foreign country shall be two hundred fifty-five dollars ($255) per year through the 1969–70 academic year. Commencing with the 1970–71 academic year, the rate of tuition paid by each nonresident student who is a citizen and resident of a foreign country, except as otherwise specifically provided, shall be fixed by the trustees and shall not be less than three hundred sixty dollars ($360) per year. The tuition fee for a nonresident student who is a citizen and resident of a foreign country and who was in attendance at a state college during the fall term of 1969, may be waived by the trustees if they determine that the increased tuition fee will cause a severe financial hardship on the student. Such waivers may be granted through the spring term of 1973 or until the student receives a baccalureate degree, whichever occurs first.

No admission fee or tuition fee shall be required of any student who is a citizen and resident of a foreign country and who attends a state college under an agreement entered into by a governmental agency formed under the Constitution or laws of this state or a nonprofit corporation or organization so formed, with a similar agency, or corporation or association, domiciled in and organized under the laws of a foreign country, where a principal purpose of the agreement is to encourage the exchange of students with the view of enhancing international good will and understanding. The trustees shall, in each instance, determine whether the conditions for such exemption from fees exist and may prescribe appropriate procedures to be complied with in obtaining the exemption.

No admission fee or tuition fee shall be required of any nonresident student who is a full-time employee of the California State Colleges or who is the child or spouse of an employee of the California State Colleges.

SEC. 2. Section 23754.2 is added to the Education Code, to read:

23754.2. The trustees have the power, on the basis of demonstrated financial need and scholastic achievement, to waive entirely, or to reduce below the rate, or the minimum rate, fixed by Section 23754, the tuition fee of a nonresident student who is a citizen and resident of a foreign country who is an undergraduate student of exceptional scholastic ability and prior scholastic achievement who is enrolled in a course of study of no less than 10 semester units.

The number of reductions and waivers granted by the trustees under this section shall at no time exceed 7½ percent of the nonresident undergraduate students who are citizens and residents of a foreign country, then enrolled in the California State Colleges.

The provisions of this section shall become operative commencing with the 1970–71 academic year.

CHAPTER 1606

An act to amend Sections 17053, 17461, 17462, 17535, 18211, 23737, 24307, 24541, 24553, 24562 and 24563 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. 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 17112, 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 received 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. 2. Section 17461 of the Revenue and Taxation Code is amended to read:

17461. (a) For the purposes of Article 1 (commencing with Section 17321) to Article 7 (commencing with Section 17431), inclusive, of this chapter, the term "reorganization" means—

(1) A statutory merger or consolidation;

(2) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(3) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(4) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred; but only if, in pursuance of the plan, stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under Sections 17432 to 17439, inclusive;

(5) A recapitalization; or

(6) A mere change in identity, form, or place of organization, however effected.

(b) (1) If a transaction is described in both paragraph (3) and paragraph (4) of subdivision (a), then, for purposes of this chapter, such transactions shall be treated as described only in paragraph (4) of subdivision (a).

(2) If—

(A) One corporation acquires substantially all of the properties of another corporation,

(B) The acquisition would qualify under paragraph (3) of subdivision (a) but for the fact that the acquiring corporation exchanges money or other property in addition to voting stock, and

(C) The acquiring corporation acquires, solely for voting stock described in paragraph (3) of subdivision (a), property of the other corporation having a fair market value which is at least 80 percent of the fair market value of all of the property of the other corporation,

then such acquisition shall (subject to paragraph (1) of this subdivision) be treated as qualifying under paragraph (3) of subdivision (a). Solely for the purpose of determining whether subparagraph (C) of the preceding sentence applies, the amount of any liability assumed by the acquiring corporation, and the amount of any liability to which any property acquired by the acquiring corporation is subject, shall be treated as money paid for the property.

(3) A transaction otherwise qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) shall not be disqualified by reason of the fact that part or all of the assets which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets.

(4) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this paragraph as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1) of subdivision (a), if—

(A) Such transaction would have qualified under paragraph (1) of subdivision (a) if the merger had been into the controlling corporation, and

(B) No stock of the acquiring corporation is used in the transaction.

SEC. 3. Section 17462 of the Revenue and Taxation Code is amended to read:

17462. For purposes of this article, the term "a party to a reorganization" includes—

(a) A corporation resulting from a reorganization, and

(b) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (2) or paragraph (3) of subdivision (a) of Section 17461, if the stock exchanged for the stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) of Section 17461 by reason of paragraph (3) of subdivision (b) of Section 17461, the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets or stock are transferred. In the case of a reorganization qualifying under paragraph (1) of subdivision (a) by reason of paragraph (4) of subdivision (b) of Section 17461, the term "a party to a reorganization" includes the controlling corporation referred to in such subdivision (b)(4).

SEC. 4. Section 17535 of the Revenue and Taxation Code is amended to read:

17535. (a) For purposes of this article, the term "issuing or assuming a stock option in a transaction to which Section 17535(a) applies" means a substitution of a new option for the old option, or an assumption of the old option, by an employer corporation, or a parent or subsidiary of such corporation, by reason of a corporate merger, consolidation, acquisition of property or stock, separation, reorganization, or liquidation, if—

(1) The excess of the aggregate fair market value of the shares subject to the option immediately after the substitution or assumption over the aggregate option price of such shares is not more than the excess of the aggregate fair market value of all shares subject to the option immediately before such substitution or assumption over the aggregate option price of such shares, and

(2) The new option or the assumption of the old option does not give the employee additional benefits which he did not have under the old option.

For purposes of this subdivision, the parent-subsidiary relationship shall be determined at the time of any such transaction under the subdivision.

(b) For purposes of this article, if stock is received by an individual in a distribution to which Sections 17335, 17336.

17432 to 17439 inclusive, or 18102 (or so much of Section 18081 as relates to Section 18102) apply, and such distribution was made with respect to stock transferred to him upon his exercise of the option, such stock shall be considered as having been transferred to him on his exercise of such option. A similar rule shall be applied in the case of a series of such distributions.

(c) (1) Except as provided in paragraph (2), for purposes of this article, the term "disposition" includes a sale, exchange, gift, or a transfer of legal title, but does not include—

(A) A transfer from a decedent to an estate or a transfer by bequest or inheritance;

(B) An exchange to Sections 17432 to 17439 inclusive, or 18102 (or so much of Section 18081 as relates to Section 18102) apply; or

(C) A mere pledge or hypothecation.

(2) The acquisition of a share of stock in the name of the employee and another jointly with the right of survivorship or a subsequent transfer of a share of stock into such joint ownership shall not be deemed a disposition, but a termination of such joint tenancy (except to the extent such employee acquires ownership of such stock) shall be treated as a disposition by him occurring at the time such joint tenancy is terminated.

(d) For purposes of this article, in applying the percentage limitations of Sections 17532(b)(7), 17533(b)(3), and 17534(b)(3)—

(1) The individual with respect to whom such limitation is being determined shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(2) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

(e) For purposes of this article, the term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of the granting of the option, each of the corporations other than the employer corporation owns stock possessing 50 percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(f) For purposes of this article, the term "subsidiary corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing 50

percent or more of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(g) In applying subdivisions (e) and (f) for purposes of Sections 17532(a) (2), 17533(a) (2), and 17534(a) (2), there shall be substituted for the term "employer corporation" wherever it appears in subdivisions (e) and (f) the term "grantor corporation," or the term "corporation issuing or assuming a stock option in a transaction to which Section 17535(a) applies," as the case may be.

(h) (1) For purposes of this article, if the terms of any option to purchase stock are modified, extended, or renewed, such modification, extension, or renewal shall be considered as the granting of a new option.

(2) (A) In the case of the transfer of stock pursuant to the exercise of an option to which Section 17533 or 17534 applies and which has been so modified, extended, or renewed, then, except as provided in subparagraph (B), the fair market value of such stock at the time of the granting of such option shall be considered as whichever of the following is the highest:

(i) The fair market value of such stock on the date of the original granting of the option,

(ii) The fair market value of such stock on the date of the making of such modification, extension, or renewal, or

(iii) The fair market value of such stock at the time of the making of any intervening modification, extension, or renewal.

(B) Subparagraph (A) shall not apply with respect to a modification, extension, or renewal of a restricted stock option before January 1, 1964 (or after December 31, 1963, if made pursuant to a binding written contract entered into before January 1, 1964), if the aggregate of the monthly average fair market values of the stock subject to the option for the 12 consecutive calendar months before the date of the modification, extension, or renewal, divided by 12, is an amount less than 80 percent of the fair market value of such stock on the date of the original granting of the option or the date of the making of any intervening modification, extension, or renewal, whichever is the highest.

(3) The term "modification" means any change in the terms of the option which gives the employee additional benefits under the option, but such term shall not include a change in the terms of the option—

(A) Attributable to the issuance or assumption of an option under subdivision (a);

(B) To permit the option to qualify under Sections 17532 (b)(6), 17533(b)(9), and 17534(b)(2); or

(C) In the case of an option not immediately exercisable in full, to accelerate the time at which the option may be exercised.

If a restricted stock option is exercisable after the expiration of 10 years from the date such option is granted, subparagraph (B) shall not apply unless the terms of the option are also

changed to make it not exercisable after the expiration of such period.

(i) For purposes of this article, if the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

SEC. 5. Section 18211 of the Revenue and Taxation Code is amended to read:

18211. (a) (1) Except as otherwise provided in this section, if Section 18211 property is disposed of during a taxable year beginning after December 31, 1962, the amount by which the lower of—

(A) The recomputed basis of the property, or

(B) (i) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(ii) In the case of any other disposition, the fair market value of such property,

exceeds the adjusted basis of such property shall be treated as gain from the sale or exchange of property which is neither a capital asset nor property described in Sections 18181 and 18182. Such gain shall be recognized notwithstanding any other provision of this part.

(2) For purposes of this section, the term 'recomputed basis' means, with respect to any property, its adjusted basis recomputed by adding thereto all adjustments, attributable to periods after December 31, 1961, reflected in such adjusted basis on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other person for depreciation, or for amortization under Section 17212. For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed for depreciation, or for amortization under Section 17212, for any period was less than the amount allowable, the amount added for such period shall be the amount allowed.

(3) For purposes of this section, the term 'Section 18211 property' means any property (other than livestock) which is or has been property of a character subject to the allowance for depreciation provided in Sections 17208 to 17211.5, inclusive, and is either—

(A) Personal property, or

(B) Other property (not including a building or its structural components) but only if such other property is tangible and has an adjusted basis in which there are reflected adjustments described in paragraph (2) for a period in which such property (or other property)—

(i) Was used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

(ii) Constituted research or storage facilities used in connection with any of the activities referred to in clause (i).

(b) (1) Subdivision (a) shall not apply to a disposition by gift.

(2) Except as provided in Sections 17831 to 17837, inclusive, (relating to income in respect of a decedent), subdivision (a) shall not apply to a transfer at death.

(3) If the basis of property in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Section 17431, 17481, 17881, 17891, or Section 24502, 24521, or 24551 of the Bank and Corporation Tax Law, then the amount of gain taken into account by the transferor under subdivision (a)(1) shall not exceed the amount of gain recognized to the transferor on the transfer of such property (determined without regard to this section). This paragraph shall not apply to a disposition to an organization which is exempt from the tax imposed by this part.

(4) If property is disposed of and gain (determined without regard to this section) is not recognized in whole or in part under Section 18081 or Sections 18082 to 18090.2, inclusive, then the amount of gain taken into account by the transferor under subdivision (a)(1) shall not exceed the sum of—

(A) The amount of gain recognized on such disposition (determined without regard to this section), plus

(B) The fair market value of property acquired which is not Section 18211 property and which is not taken into account under subparagraph (A).

(5) Under regulations prescribed by the Franchise Tax Board, rules consistent with paragraphs (3) and (4) of this subdivision shall apply in the case of transactions described in Section 18121 (relating to gain from sale or exchange to effectuate policies of FCC) or Sections 18131 to 18134, inclusive, (relating to exchanges in obedience to SEC orders).

(6) (A) For purposes of this section, the basis of Section 18211 property distributed by a partnership to a partner shall be deemed to be determined by reference to the adjusted basis of such property to the partnership.

(B) In the case of any property described in subparagraph (A), for purposes of computing the recomputed basis of such property the amount of the adjustments added back for periods before the distribution by the partnership shall be—

(i) The amount of the gain to which subdivision (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

(ii) The amount of such gain to which Section 17912 applied.

(c) The Franchise Tax Board shall prescribe such regulations as it may deem necessary to provide for adjustments to

the basis of property to reflect gain recognized under subdivision (a).

(d) This section shall apply notwithstanding any other provision of this part.

SEC. 6. Section 23737 of the Revenue and Taxation Code is amended to read:

23737. In the case of any organization described in Section 23701d to which this article is applicable, exemption under Article 1 (commencing with Section 23701) shall be denied for the income year if the amounts accumulated out of income during the income year or any prior income year and not actually paid out by the end of the income year—

(a) Are unreasonable in amount or duration in order to carry out the charitable, educational, or other purpose or function constituting the basis for such organization's exemption under Section 23701d; or

(b) Are used to a substantial degree for purposes or functions other than those constituting the basis for such organization's exemption under Section 23701d, or

(c) Are invested in such a manner as to jeopardize the carrying out of the charitable, educational, or other purpose or function constituting the basis for such organization's exemption under Section 23701d.

SEC. 7. Section 24307 of the Revenue and Taxation Code is amended to read:

24307. (a) No amount shall be included in gross income by reason of the discharge, in whole or in part, within the income year, of any indebtedness for which the taxpayer is liable, or subject to which the taxpayer holds property, if—

(1) The indebtedness was incurred or assumed by the taxpayer; and

(2) Such taxpayer makes and files a consent to the regulations prescribed under Section 24918 (relating to adjustment of basis) then in effect at such time and in such manner as the Franchise Tax Board by regulations prescribes.

In such case, the amount of any income of such taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction.

(b) No amount shall be included in gross income by reason of the discharge, cancellation, or modification, in whole or in part, within the income year, of any indebtedness of a railroad corporation, as defined in Section 77(m) of the Bankruptcy Act (11 U.S.C. 205(m)), if such discharge, cancellation, or modification is effected pursuant to an order of a court in a receivership proceeding or in a proceeding under Section 77

of the Bankruptcy Act commenced before January 1, 1961. In such cases, the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income, and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the income year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Subdivision (a) of this section shall not apply with respect to any discharge of indebtedness to which this subdivision applies.

SEC. 8. Section 24541 of the Revenue and Taxation Code is amended to read:

24541. (a) In the case of an exchange to which Section 24521, 24531, 24532, 24533, 24535, 24551, or 24572 applies—

(1) The basis of the property permitted to be received under such section without the recognition of gain or loss shall be the same as that of the property exchanged—

(A) Decreased by—

(i) The fair market value of any other property (except money) received by the bank or corporation;

(ii) The amount of any money received by the bank or corporation; and

(iii) The amount of loss to the bank or corporation which was recognized on such exchange, and

(B) Increased by—

(i) The amount which was treated as a dividend; and

(ii) The amount of gain to the bank or corporation which was recognized on such exchange (not including any portion of such gain which was treated as a dividend).

(2) The basis of any other property (except money) received by the bank or corporation shall be its fair market value.

(b) (1) Under regulations prescribed by the Franchise Tax Board, the basis determined under subsection (a)(1) shall be allocated among the properties permitted to be received without the recognition of gain or loss.

(2) In the case of an exchange to which Sections 24532 and 24533 (or so much of Section 24535 as relates to Section 24533) apply, then in making the allocation under paragraph (1) of this subsection, there shall be taken into account not only the property so permitted to be received without the recognition of gain or loss, but also the stock or securities (if any) of the distributing bank or corporation which are retained, and the allocation of basis shall be made among all such properties.

(c) For purposes of this section, a distribution to which Section 24533 (or so much of Section 24535 as relates to Sections 24532 and 24533) applies shall be treated as an exchange, and for such purposes the stock and securities of the distributing bank or corporation which are retained shall be treated as surrendered, and received back, in the exchange.

(d) Where, as part of the consideration to the bank or corporation, another party to the exchange assumed a liability

of the bank or corporation or acquired from the bank or corporation property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for purposes of this section, be treated as money received by the bank or corporation on the exchange.

(e) This section shall not apply to property acquired by a bank or corporation by the exchange of its stock or securities (or the stock or securities of a corporation which is in control of the acquiring corporation) as consideration in whole or in part for the transfer of the property to it.

SEC. 9. Section 24553 of the Revenue and Taxation Code is amended to read:

24553. If property was acquired by a corporation in connection with a reorganization to which this chapter applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. This section shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer.

SEC. 10. Section 24562 of the Revenue and Taxation Code is amended to read:

24562. (a) For purposes of Chapters 8 and 9 and this chapter, the term "reorganization" means—

(1) A statutory merger or consolidation;

(2) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(3) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(4) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred; but only if, in pursuance of the plan, stock or securities of the corporation to which the

assets are transferred are distributed in a transaction which qualifies under Section 24531, 24533, or 24535;

(5) A recapitalization; or

(6) A mere change in identity, form, or place of organization, however effected.

(b) (1) If a transaction is described in both paragraph (3) and paragraph (4) of subdivision (a), then, for purposes of this chapter, such transaction shall be treated as described only in paragraph (4) of subdivision (a).

(2) If—

(A) One corporation acquires substantially all of the properties of another corporation;

(B) The acquisition would qualify under subdivision (a)(3) but for the fact that the acquiring corporation exchanges money or other property in addition to voting stock; and

(C) The acquiring corporation acquires, solely for voting stock described in paragraph (3) of subdivision (a), property of the other corporation having a fair market value which is at least 80 percent of the fair market value of all of the property of the other corporation;

then such acquisition shall (subject to paragraph (1) of this subdivision) be treated as qualifying under paragraph (3) of subdivision (a). Solely for the purpose of determining whether subparagraph (C) of the preceding sentence applies, the amount of any liability assumed by the acquiring corporation, and the amount of any liability to which any property acquired by the acquiring corporation is subject, shall be treated as money paid for the property.

(3) A transaction otherwise qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock.

(4) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this paragraph as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1) of subdivision (a), if—

(A) Such transaction would have qualified under paragraph (1) of subdivision (a) if the merger had been into the controlling corporation, and

(B) No stock of the acquiring corporation is used in the transaction.

SEC. 11. Section 24563 of the Revenue and Taxation Code is amended to read:

24563. For purposes of this article, the term "a party to a reorganization" includes—

(a) A corporation resulting from a reorganization; and

(b) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (2) or paragraph (3) of subdivision (a) of Section 24562, if the stock exchanged for the stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to a reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1), paragraph (2) or paragraph (3) of subdivision (a) of Section 24562 by reason of paragraph (3) of subdivision (b) of Section 24562, the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets or stock are transferred.

In the case of a reorganization qualifying under paragraph (1) of subdivision (a) of Section 24562 by reason of paragraph (4) of subdivision (b) of Section 24562, the term "a party to a reorganization" includes the controlling corporation referred to in such paragraph (4) of subdivision (b) of Section 24562.

SEC. 12. 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, 1969.

SEC. 13. The provisions of this act effecting changes in the Bank and Corporation Law shall be applied in the computation of taxes for income years beginning on or after January 1, 1969.

CHAPTER 1607

An act to amend Sections 17053, 17072, 17132, 17138, 17501, 17503, 17511, 17513, and 17515 of, and to add Sections 17112.5, 17112.7, 17502.2, 17502.3, 17502.4, 17502.5, 17502.6, 17502.7, 17502.8, 17520.4, 17520.6, 17524, 17525, 17526, 17529, 17641, and 19267 to, the Revenue and Taxation Code, relating to self-employed individuals' retirement funds.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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

SECTION 1. 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, (including, in the case of an individual who is, or has been, an employee within the meaning of Section 17502.2(a), distributions by a trust described in Section 17501 which is exempt from tax under Section 17631),

(B) Interest,

(C) Rents,

(D) Dividends, and

(E) Bonds described in Section 17526(b) which are received under a qualified bond purchase plan described in Section 17526(a) or in a distribution from a trust described in Section 17501 which is exempt from tax under Section 17631, 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 received 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. 2. Section 17072 of the Revenue and Taxation Code is amended to read:

17072. For purposes of this part, the term "adjusted gross income" means, in the case of an individual, gross income minus the following deductions:

(a) The deductions allowed by this part (other than by Article 7 of this chapter) which are attributable to a trade or business carried on by the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee.

(b) (1) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer.

(2) The deductions allowed by Article 6 (Section 17201 and following) which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(3) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which consist of expenses of transportation paid or incurred by the taxpayer in connection with the performance by him of services as an employee.

(4) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part which are attributable to a trade or business carried on by the taxpayer, if such trade or business consists of the performance of services by the taxpayer as an employee and if such trade or business is to solicit, away from the employer's place of business, business for the employer.

(c) The deduction allowed by Section 18151.

(d) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part as losses from the sale or exchange of property.

(e) The deductions allowed by Article 6 (commencing with Section 17201) of Chapter 3 of this part, by Section 17252 (relating to expenses for production of income), and by Section 17681 (relating to depletion) which are attributable to property held for the production of rents or royalties.

(f) In the case of a life tenant of property, or an income beneficiary of property held in trust, or an heir, legatee, or devisee of an estate, the deduction for depreciation allowed by Sections 17208 to 17212, inclusive, and the deduction allowed by Section 17681. Nothing in this section shall permit the same item to be deducted more than once.

(g) In the case of an individual who is an employee within the meaning of Section 17502.2(a), the deductions allowed by Sections 17513 to 17525, inclusive, and Section 17526(c) to the extent attributable to contributions made on behalf of such individual.

(h) The deduction allowed by Section 17266.

SEC. 2.2. Section 17112.5 is added to the Revenue and Taxation Code, to read:

17112.5. (a) Any amounts received under an annuity, endowment, or life insurance contract before the annuity starting date which are not received as an annuity (within the meaning of Section 17105) shall be included in the recipient's gross income for the taxable year in which received to the extent that—

(1) Such amounts, plus all amounts theretofore received under the contract and includible in gross income under this subdivision, do not exceed—

(2) The aggregate premiums or other consideration paid for the contract while the employee was an owner-employee which were allowed as deductions under Sections 17513 to 17525, inclusive, for the taxable year and all prior taxable years.

Any such amounts so received which are not includible in gross income under this subdivision shall be subject to the provisions of Section 17105.

(b) In computing—

(1) The aggregate amount of premiums or other consideration paid for the contract for purposes of Section 17103(a)(1) (relating to the investment in the contract),

(2) The consideration for the contract contributed by the employee for purposes of Section 17104(a) (relating to employee's contributions recoverable in three years), and

(3) The aggregate premiums or other consideration paid for purposes of Section 17105 (relating to certain amounts not received as an annuity),

any amount allowed as a deduction with respect to the contract under Sections 17513 to 17525, inclusive, which was paid while the employee was an employee within the meaning of Section 17502.2(a) shall be treated as consideration contributed by the employer, and there shall not be taken into account any portion of the premiums or other consideration for the contract paid while the employee was an owner-employee which is properly allocable (as determined under regulations prescribed by the Franchise Tax Board) to the cost of life, accident, health, or other insurance.

(c) (1) This subdivision shall apply to any life insurance contract—

(A) Purchased as a part of a plan described in Section 17511, or

(B) Purchased by a trust described in Section 17501 which is exempt from tax under Section 17631 if the proceeds of such contract are payable directly or indirectly to a participant in such trust or to a beneficiary of such participant.

(2) Any contribution to plan described in Paragraph (1)(A) or a trust described in Paragraph (1)(B) which is allowed as a deduction under Sections 17513 to 17525, inclusive,

which is determined in accordance with regulations prescribed by the Franchise Tax Board to have been applied to purchase the life insurance protection under a contract described in Paragraph (1), is includible in the gross income of the participant for the taxable year when so applied.

(3) In the case of the death of an individual insured under a contract described in Paragraph (1), an amount equal to the cash surrender value of the contract immediately before the death of the insured shall be treated as a payment under such plan or a distribution by such trust, and the excess of the amount payable by reason of the death of the insured over such cash surrender value shall not be includible in gross income under this chapter and shall be treated as provided in Section 17132.

(d) (1) If during any taxable year an owner-employee assigns (or agrees to assign) or pledges (or agrees to pledge) any portion of his interest in a trust described in Section 17501 which is exempt from tax under Section 17631 or any portion of the value of a contract purchased as part of a plan described in Section 17511, such portion shall be treated as having been received by such owner-employee as a distribution from such trust or as an amount received under the contract.

(2) If during any taxable year, an owner-employee receives, directly or indirectly, any amount from any insurance company as a loan under a contract purchased by a trust described in Section 17501 which is exempt from tax under Section 17631 or purchased as part of a plan described in Section 17511, and issued by such insurance company, such amount shall be treated as an amount received under the contract.

(e) (1) This subdivision shall apply—

(A) To amounts (other than any amount received by an individual in his capacity as a policyholder of an annuity, endowment, or life insurance contract which is in the nature of a dividend or similar distribution) which are received from a qualified trust described in Section 17501 or under a plan described in Section 17511 and which are received by an individual, who is, or has been, an owner-employee, before such individual attains the age of 59½ years, for any reason other than the individual's becoming disabled (within the meaning of subdivision (g) of this section), but only to the extent that such amounts are attributable to contributions paid on behalf of such individual (whether or not paid by him) while he was an owner-employee,

(B) To amounts which are received from a qualified trust described in Section 17501 or under a plan described in Section 17511 at any time by an individual who is, or has been, an owner-employee, or by the successor of such individual, but only to the extent that such amounts are determined, under regulations prescribed by the Franchise Tax Board, to

exceed the benefits provided for such individual under the plan formula, and

(C) To amounts which are received, by an individual who is, or has been, an owner-employee, by reason of the distribution under the provisions of Section 17502.4(b)(5) of his entire interest in all qualified trusts described in Section 17501 and in all plans described in Section 17511.

(2) (A) If the aggregate of the amounts to which this subdivision applies received by any person in his taxable year equals or exeeeds two thousand five hundred dollars ($2,500), the increase in his tax for the taxable year in which such amounts are received and attributable to such amounts shall not be less than 110 percent of the aggregate increase in taxes, for the taxable year and the four immediately preceding taxable years, which would have resulted if such amounts had been included in such person's gross income ratably over such taxable years.

(B) If deductions have been allowed under Sections 17513 to 17525, inclusive, for contributions paid on behalf of the individual while he is an owner-employee for a number of prior taxable years less than four, subparagraph (A) shall be applied by taking into account a number of taxable years immediately preceding the taxable year in which the amount was so received equal to such lesser number.

(3) If paragraph (2) does not apply to a person for the taxable year, the increase in tax of such person for the taxable year attributable to the amounts to which this paragraph applies shall be 110 percent of such increase (computed without regard to this paragraph).

(4) Paragraph (1)(B) of this subdivision shall not apply to any amount to which Section 17503 or 17511 applies.

(5) For special rules for computation of taxable income for taxable years to which this subdivision applies, see Section 17112.7.

(f) For purposes of this section, the term "owner-employee" has the meaning assigned to it by Section 17502.2(c).

(g) For purposes of this chapter, 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. 2.4. Section 17112.7 is added to the Revenue and Taxation Code, to read:

17112.7. (a)(1) Subject to the provisions of paragraph (3), this section shall apply to amounts distributed to a distributee, in the case of an employees' trust described in Section 17501 which is exempt from tax under Section 17631, if the total distributions payable to the distributee with re-

spect to an employee are paid to the distributee within one taxable year of the distributee—

(A) On account of the employee's death,

(B) After the employee has attained the age of 59½ years, or

(C) After the employee has become disabled (within the meaning of Section 17112.5.

(2) Subject to the provisions of paragraph (3), this section shall apply to amounts paid to a payee, in the case of an annuity plan described in Section 17511, if the total amounts payable to the payee with respect to an employee are paid to the payee within one taxable year of the payee—

(A) On account of the employee's death,

(B) After the employee has attained the age of 59½ years, or

(C) After the employee has become disabled (within the meaning of Section 17112.5.

(3) This section shall apply—

(A) Only with respect to so much of any distribution or payment to which (without regard to this paragraph) paragraph (1) or (2) applies as is attributable to contributions made on behalf of an employee while he was an employee within the meaning of Section 17502.2(a), and

(B) If the recipient is the employee on whose behalf such contributions were made, only if contributions which were allowed as a deduction under Sections 17513 to 17525, inclusive, have been made on behalf of such employee while he was an employee within the meaning of Section 17502.2(a) for five or more taxable years prior to the taxable year in which the total distributions payable or total amounts payable, as the case may be, are paid.

This section shall not apply to amounts described in subparagraphs (B) and (C) of paragraph (1) of Section 17112.5 (but, in the case of amounts described in subparagraph (B) of such paragraph, only to the extent that Section 17112.5 applies to such amounts).

(b) In any case to which this section applies, the tax attributable to the amounts to which this section applies for the taxable year in which such amounts are received shall not exceed whichever of the following is the greater:

(1) Five times the increase in tax which would result from the inclusion in gross income of the recipient of 20 percent of so much of the amount so received as is includible in gross income, or

(2) Five times the increase in tax which would result if the taxable income of the recipient for such taxable year equaled 20 percent of the amount of the taxable income of the recipient for such taxable year determined under subdivision (c)(1).

(c) Notwithstanding Section 17073 (relating to definition of taxable income), for purposes only of computing the tax

under this part attributable to amounts to which this section or Section 17112.5 applies and which are includible in gross income—

(1) The taxable income of the recipient for the taxable year of receipt shall be treated as being not less than the amount by which (A) the aggregate of such amounts so includible in gross income exceeds (B) the amount of the credits allowed for such taxable year under Section 17054 (relating to credits for personal exemptions); and

(2) In making ratable inclusion computations under subdivision (e)(2) of Section 17112.5, the taxable income of the recipient for each taxable year involved in such ratable inclusion shall be treated as being not less than the amount required by such subdivision (e)(2) to be treated as includible in gross income for such taxable year.

In any case in which the preceding sentence results in an increase in taxable income for any taxable year, the resulting increase in the taxes imposed by Section 17041 or 17048 for such taxable year shall not be reduced by any credit under this part which, but for this sentence, would be allowable.

SEC. 3. Section 17132 of the Revenue and Taxation Code is amended to read:

17132. (a) Gross income does not include amounts received (whether in a single sum or otherwise) by the beneficiaries or the estate of an employee, if such amounts are paid by or on behalf of an employer and are paid by reason of the death of the employee.

(b) (1) The aggregate amounts excludable under subdivision (a) with respect to the death of any employee shall not exceed five thousand dollars ($5,000).

(2) Subdivision (a) shall not apply to amounts with respect to which the employee possessed, immediately before his death, a nonforfeitable right to receive the amounts while living.

This subdivision shall not apply to total distributions payable (as defined in Section 17503(c)(3)) which are paid to a distributee within one taxable year of the distributee by reason of the employee's death—

(i) By a stock bonus, pension, or profit-sharing trust described in Section 17501 which is exempt from tax under Section 17631,

(ii) Under an annuity contract under a plan described in Section 17511, or

(iii) Under an annuity contract purchased by an employer which is an organization referred to in Section 23701d of this code but only with respect to that portion of such total distributions payable which bears the same ratio to the amount of such total distributions payable which is (without regard to this section) includable in gross income, as the amounts contributed by the employer for such annuity contract which are excludable from gross income under Section 17512 bear to

the total amounts contributed by the employer for such annuity contract.

(3) Subdivision (a) shall not apply to amounts received by a surviving annuitant under a joint and survivor's annuity contract after the first day of the first period for which an amount was received as an annuity by the employee (or would have been received if the employee had lived).

(4) In the case of any amount to which Sections 17101 to 17112, inclusive (relating to annuities, etc.), apply, the amount which is excludable under subdivision (a) (as modified by this subdivision) shall be determined by reference to the value of such amount as of the day on which the employee died. Any amount so excludable under subdivision (a) shall, for purposes of Sections 17101 to 17112, inclusive, be treated as additional consideration paid by the employee. Subdivision (a) shall not apply in the case of an annuity under Chapter 73 of Title 10 of the United States Code if the individual who made the election under such chapter died after attaining retirement age.

(c) For purposes of this section, the term "employee" does not include an individual who is an employee within the meaning of Section 17502.2(a) (relating to self-employed individuals).

SEC. 4. Section 17138 of the Revenue and Taxation Code is amended to read:

17138. (a) 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—

(1) Amounts received under workmen's compensation acts as compensation for personal injuries or sickness;

(2) The amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness;

(3) Amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includable in the gross income of the employee, or (B) are paid by the employer); and

(4) Amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country or in the Coast and Geodetic Survey or the Public Health Service, or as a disability annuity payable under the provisions of Section 831 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1081; 60 Stat. 1021).

For purposes of paragraph (3), in the case of an individual who is, or has been, an employee within the meaning of Section 17502.2(a) (relating to self-employed individuals), contributions made on behalf of such individual while he was such an employee to a trust described in Section 17501 which is exempt

from tax under Section 17631, or under a plan described in Section 17511, shall, to the extent allowed as deductions under Sections 17513 to 17525, inclusive, be treated as contributions by the employer which were not includable in the gross income of the employee.

(b) (1) For exclusion from employee's gross income of employer contributions to accident and health plans, see Section 17140.

(2) For exclusion of part of disability retirement pay from the application of subdivision (a)(4) of this section, see Section 402(h) of the Career Compensation Act of 1949 (37 U.S.C. 272(h)).

SEC. 5. 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 super-

vising 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.

For purposes of this subdivision and subdivision (j), the total compensation of an individual who is an employee within the meaning of Section 17502.2(a) means such individual's earned income (as defined in Section 17502.2(b)), and the basic or regular rate of compensation of such an individual shall be determined, under regulations prescribed by the Franchise Tax Board, with respect to that portion of his earned income which bears the same ratio to his earned income as the basic or regular compensation of the employees under the plan bears to the total compensation of such employees.

(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) A trust shall not constitute a qualified trust under this article unless the plan of which such trust is a part provides that, upon its termination or upon complete discontinuance of contributions under the plan, the rights of all employees to benefits accrued to the date of such termination or discontinuance, to the extent then funded, or the amounts credited to the employees' accounts are nonforfeitable. This subdivision shall not apply to benefits or contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Franchise Tax Board to preclude the discrimination

prohibited by subdivision (d), may not be used for designated employees in the event of early termination of the plan.

(h) A trust forming part of a pension plan shall not constitute a qualified trust under this article unless the plan provides that forfeitures must not be applied to increase the benefits any employee would otherwise receive under the plan.

(i) In the case of a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of Section 17502.2(a), a trust forming part of such plan shall not constitute a qualified trust under this article unless, under the plan, the entire interest of each employee—

(1) Either will be distributed to him not later than his taxable year in which he attains the age of 70½ years, or, in the case of an employee other than an owner-employee (as defined in Section 17502.2(c)), in which he retires, whichever is the later, or

(2) Will be distributed, commencing not later than such taxable year, (A) in accordance with regulations prescribed by the Franchise Tax Board, over the life of such employee or over the lives of such employee and his spouse, or (B) in accordance with such regulations, over a period not extending beyond the life expectancy of such employee or the life expectancy of such employee and his spouse.

A trust shall not be disqualified under this subdivision by reason of distributions under a designation, prior to the date of the enactment of this subdivision, by any employee under the plan of which such trust is a part, of a method of distribution which does not meet the terms of the preceding sentence.

(j) In the case of a plan which provides contributions or benefits for employees some or all of whom are owner-employees (as defined in Section 17502.2(c))—

(1) Subdivision (c) and the first and second sentences of subdivision (e) shall not apply, but—

(A) Such plan shall not be considered discriminatory within the meaning of subdivision (d) merely because the contributions or benefits of or on behalf of employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, and

(B) Such plan shall not be considered discriminatory within the meaning of subdivision (d) solely because under the plan contributions described in Section 17502.4(c)(1) which are in excess of the amounts which may be deducted under Sections 17513 to 17525, inclusive, for the taxable year may be made on behalf of any owner-employee; and

(2) A trust forming a part of such plan shall constitute a qualified trust under this section only if the requirements in Section 17502.3 are also met.

SEC. 6. Section 17502.2 is added to the Revenue and Taxation Code, to read:

17502.2. For purposes of this article—

(a) The term "employee" includes, for any taxable year, an individual who has earned income (as defined in subdivision (b)) for the taxable year. To the extent provided in regulations prescribed by the Franchise Tax Board, such term also includes, for any taxable year—

(1) An individual who would be an employee within the meaning of the preceding sentence but for the fact that the trade or business carried on by such individual did not have net profits for the taxable year, and

(2) An individual who has been an employee within the meaning of the preceding sentence for any prior taxable year.

(b) (1) The term "earned income" means the net earnings from self-employment (as defined in Section 1402(a) of the Internal Revenue Code of 1954), but such net earnings shall be determined—

(A) Only with respect to a trade or business in which personal services of the taxpayer are a material income-producing factor,

(B) Without regard to paragraphs (4) and (5) of Section 1402(c) of the Internal Revenue Code of 1954,

(C) In the case of any individual who is treated as an employee under Sections 3121(d)(3)(A), (C), or (D) of the Internal Revenue Code of 1954, without regard to paragraph (2) of Section 1402(c) of the Internal Revenue Code of 1954, and

(D) Without regard to items which are not included in gross income for purposes of this article, and the deductions properly allocable to or chargeable against such items.

For purposes of this subdivision, Section 1402 of the Internal Revenue Code of 1954, as in effect for a taxable year ending on December 31, 1967, shall be treated as having been in effect for all taxable years ending before such date.

(2) For purposes of this section, the term "earned income" includes gains (other than any gain which is treated under any provision of this article as gain from the sale or exchange of a capital asset) and net earnings derived from the sale or other disposition of, the transfer of any interest in, or the licensing of the use of property (other than goodwill) by an individual whose personal efforts created such property.

(c) The term "owner-employee" means an employee who—

(1) Owns the entire interest in an unincorporated trade or business, or

(2) In the case of a partnership, is a partner who owns more than 10 percent of either the capital interest or the profits interest in such partnership.

To the extent provided in regulations prescribed by the Franchise Tax Board, such term also means an individual who has been an owner-employee within the meaning of the preceding sentence.

(d) An individual who owns the entire interest in an unincorporated trade or business shall be treated as his own employer. A partnership shall be treated as the employer of each partner who is an employee within the meaning of subdivision (a).

(e) The term "contribution on behalf of an owner-employee" includes, except as the context otherwise requires, a contribution under a plan—

(1) By the employer for an owner-employee, and

(2) By an owner-employee as an employee.

SEC. 7. Section 17502.3 is added to the Revenue and Taxation Code, to read:

17502.3. A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this article only if, in addition to meeting the requirements of Section 17501, the following requirements of this section are met by the trust and by the plan of which such trust is a part:

(a) In the case of a trust which is created on or after the date of the enactment of this section, or which was created before such date but is not exempt from tax under Section 17631 as an organization described in Section 17501 on the day before such date, the trustee is a bank, but a person (including the employer) other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). This subdivision shall not apply to a trust created or organized outside the United States before the date of the enactment of this section if, under Section 17505, it is treated as exempt from tax under Section 17631 on the day before such date; or, to the extent provided under regulations prescribed by the Franchise Tax Board, to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively to fund the benefits prescribed by the trust, if the life insurance company supplies annually such information about trust transactions affecting owner-employees as the Franchise Tax Board shall by forms or regulations prescribe. For purposes of this section, the term "bank" means a bank as defined in Section 581 of the Internal Revenue Code of 1954, a corporation which under the laws of the state of its incorporation is subject to supervision and examination by the commissioner of banking or other officer of such state in charge of the administration of the banking laws of such state, and, in the case of a trust created or organized outside the United States, a bank or trust company, wherever incorporated, exercising fiduciary powers and subject to supervision and examination by governmental authority.

(b) Under the plan—

(1) The employees' rights to or derived from the contributions under the plan are nonforfeitable at the time the contributions are paid to or under the plan; and

(2) In the case of a profit-sharing plan, there is a definite formula for determining the contributions to be made by the employer on behalf of employees (other than owner-employees).

Subdivision (b)(1) shall not apply to contributions which, under provisions of the plan adopted pursuant to regulations prescribed by the Franchise Tax Board to preclude the discrimination prohibited by Section 17501(d), may not be used to provide benefits for designated employees in the event of early termination of the plan.

(c) The plan benefits each employee having a period of employment of three years or more. For purposes of the preceding sentence, the term "employee" does not include any employee whose customary employment is for not more than 20 hours in any one week or is for not more than five months in any calendar year.

(d) Under the plan—

(1) Contributions or benefits are not provided for any owner-employee unless such owner-employee has consented to being included under the plan; and

(2) No benefits may be paid to any owner-employee, except in the case of his becoming disabled (within the meaning of Section 17112.5), prior to his attaining the age of 59½ years.

(e) The plan does not permit—

(1) Contributions to be made by the employer on behalf of any owner-employee in excess of the amounts which may be deducted under Sections 17513 to 17525, inclusive, for the taxable year;

(2) In the case of a plan which provides contributions or benefits only for owner-employees, contributions to be made on behalf of any owner-employee in excess of the amounts which may be deducted under Sections 17513 to 17525, inclusive, for the taxable year; and

(3) If a distribution under the plan is made to any employee and if any portion of such distribution is an amount described in Section 17112.5, contributions to be made on behalf of such employee for the five taxable years succeeding the taxable year in which such distribution is made.

Subdivisions (e)(1) and (e)(2) shall not apply to any contribution which is not considered to be an excess contribution (as defined in Section 17502.4(a)) by reason of the application of Section 17502.4(c).

(f) Except as provided in this subdivision, the plan meets the requirements of Section 17501(d) without taking into account for any purpose contributions or benefits under Chapter 2 (relating to tax on self-employment income) and Chapter 21

(relating to Federal Insurance Contributions Act) of the Internal Revenue Code of 1954, Title II of the Social Security Act, as amended, or any other federal or state law. If—

(1) Of the contributions deductible under Sections 17513 to 17525, inclusive, not more than one-third is deductible by reason of contributions by the employer on behalf of owner-employees, and

(2) Taxes paid by the owner-employees under Chapter 2 of the Internal Revenue Code of 1954 (relating to tax on self-employment income), and the taxes which would be payable under such Chapter 2 by the owner-employees but for paragraphs (4) and (5) of Section 1402(c) of the Internal Revenue Code of 1954, are taken into account as contributions by the employer on behalf of such owner-employees,

then taxes paid under Section 3111 of the Internal Revenue Code of 1954 (relating to tax on employers) with respect to an employee may, for purposes of Section 17501(d), be taken into account as contributions by the employer for such employee under the plan.

(g) Under the plan, if an owner-employee dies before his entire interest has been distributed to him, or if distribution has been commenced in accordance with Section 17501(i)(2) to his surviving spouse and such surviving spouse dies before his entire interest has been distributed to such surviving spouse, his entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within five years after his death (or the death of his surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall not apply if distribution of the interest of an owner-employee has commenced and such distribution is for a term certain over a period permitted under Section 17501(i)(2)(B).

(h) Under the plan—

(1) Any contribution which is an excess contribution, together with the income attributable to such excess contribution, is (unless Section 17502.4(b)(5) applies) to be repaid to the owner-employee on whose behalf such excess contribution is made;

(2) If for any taxable year the plan does not, by reason of Section 17502.4(b)(1), meet (for purposes of Sections 17513 to 17525, inclusive) the requirements of this section with respect to an owner-employee, the income for the taxable year attributable to the interest of such owner-employee under the plan is to be paid to such owner-employee; and

(3) The entire interest of an owner-employee is to be repaid to him when required by the provisions of Section 17502.4(b)(5).

(i) (1) If the plan provides contributions or benefits for an owner-employee who controls, or for two or more owner-employees who together control, the trade or business with respect to which the plan is established, and who also control as an owner-employee or as owner-employees one or more other trades or businesses, such plan and the plans established with respect to such other trades or businesses, when coalesced, constitute a single plan which meets the requirements of Section 17501 (including subdivision (j) thereof) and of this section with respect to the employees of all such trades or businesses (including the trade or business with respect to which the plan intended to qualify under this section is established).

(2) For purposes of paragraph (1), an owner-employee, or two or more owner-employees, shall be considered to control a trade or business if such owner-employee, or such two or more owner-employees together—

(A) Own the entire interest in an unincorporated trade or business, or

(B) In the case of a partnership, own more than 50 percent of either the capital interest or the profits interest in such partnership.

For purposes of the preceding sentence, an owner-employee, or two or more owner-employees, shall be treated as owning any interest in a partnership which is owned, directly or indirectly, by a partnership which such owner-employee, or such two or more owner-employees, are considered to control within the meaning of the preceding sentence.

(j) The plan does not provide contributions or benefits for any owner-employee who controls (within the meaning of subdivision (i)(2)), or for two or more owner-employees who together control, as an owner-employee or as owner-employees, any other trade or business, unless the employees of each trade or business which such owner-employee or such owner-employees control are included under a plan which meets the requirements of Section 17501 (including subdivision (j) thereof) and of this section, and provides contributions and benefits for employees which are not less favorable than contributions and benefits provided for owner-employees under the plan.

(k) Under the plan, contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established.

SEC. 8. Section 17502.4 is added to the Revenue and Taxation Code, to read:

17502.4. (a) For purposes of this article, the term "excess contribution" means, except as provided in subdivision (c)—

(1) If, in the taxable year, contributions are made under the plan only on behalf of owner-employees, the amount of any contribution made on behalf of any owner-employee which (without regard to this section) is not deductible under Sections 17513 to 17525, inclusive, for the taxable year; or

(2) If, in the taxable year, contributions are made under the plan on behalf of employees other than owner-employees—

(A) The amount of any contribution made by the employer on behalf of any owner-employee which (without regard to this section) is not deductible under Sections 17513 to 17525, inclusive, for the taxable year;

(B) The amount of any contribution made by any owner-employee (as an employee) at a rate which exceeds the rate of contributions permitted to be made by employees other than owner-employees;

(C) The amount of any contribution made by any owner-employee (as an employee) which exceeds the lesser of two thousand five hundred dollars ($2,500) or 10 percent of the earned income for such taxable year derived by such owner-employee from the trade or business with respect to which the plan is established; and

(D) In the case of any individual on whose behalf contributions are made under more than one plan as an owner-employee, the amount of any contribution made by such owner-employee (as an employee) under all such plans which exceeds two thousand five hundred dollars ($2,500); and

(3) The amount of any contribution made on behalf of an owner-employee in any taxable year for which, under subdivision (b)(1) or (b)(5), the plan does not (for purposes of Sections 17513 to 17525, inclusive) meet the requirements of Section 17502.3 with respect to such owner-employee.

For purposes of this subdivision, the amount of any contribution which is allocable (determined in accordance with regulations prescribed by the Franchise Tax Board) to the purchase of life, accident, health, or other insurance shall not be taken into account.

(b) (1) If an excess contribution (other than an excess contribution to which subdivision (b)(5) applies) is made on behalf of an owner-employee in any taxable year, the plan with respect to which such excess contribution is made shall, except as provided in subdivisions (b)(3) and (b)(4), be considered, for purposes of Sections 17513 to 17525, inclusive, as not meeting the requirements of Section 17502.3 with respect to such owner-employee for the taxable year and for all succeeding taxable years.

(2) For any taxable year for which any plan does not meet the requirements of Section 17502.3 with respect to an owner-

employee by reason of subdivision (b)(1), the gross income of such owner-employee shall, for purposes of this article, include the amount of net income for such taxable year attributable to the interest of such owner-employee under such plan.

(3) Subdivision (b)(1) shall not apply to an excess contribution with respect to any taxable year, if, on or before the close of the six-month period beginning on the day on which the Franchise Tax Board sends notice (by certified or registered mail) to the person to whom such excess contribution was paid of the amount of such excess contribution, the amount of such excess contribution, and the net income attributable thereto, is repaid to the owner-employee on whose behalf such excess contribution was made. If the excess contribution is an excess contribution as defined in subdivision (a)(1) or (a)(2)(A), or is an excess contribution as defined in subdivision (a)(3) with respect to which a deduction has been claimed under Sections 17513 to 17525, inclusive, the notice required by the preceding sentence shall not be mailed prior to the time that the amount of the tax under this article of such owner-employee for the taxable year in which such excess contribution was made has been finally determined.

(4) If an excess contribution, together with the net income attributable thereto, is not repaid within the six-month period referred to in subdivision (b)(3), subdivision (b)(1) shall not apply to an excess contribution with respect to any taxable year beginning with the taxable year in which the person to whom such excess contribution was paid repays the amount of such excess contribution to the owner-employee on whose behalf such excess contribution was made, and pays to such owner-employee the amount of net income attributable to the interest of such owner-employee which, under subdivision (b)(2), has been included in the gross income of such owner-employee for any prior taxable year.

(5) If an excess contribution made on behalf of an owner-employee is determined to have been willfully made, then—

(A) Subdivisions (b)(1), (b)(2), (b)(3), and (b)(4) shall not apply with respect to such excess contribution;

(B) There shall be distributed to the owner-employee on whose behalf such excess contribution was willfully made his entire interest in all plans with respect to which he is an owner-employee; and

(C) No plan shall, for purposes of Sections 17513 to 17525, inclusive, be considered as meeting the requirements of Section 17502.3 with respect to such owner-employee for the taxable year in which it is determined that such excess contribution was willfully made and for the five taxable years following such taxable year.

(6) In any case in which subdivision (b)(1) applies, the period for assessing any deficiency arising by reason of—

(A) The disallowance of any deduction under Sections 17513 to 17525, inclusive, on account of a plan not meeting

the requirements of Section 17502.3, with respect to the owner-employee on whose behalf an excess contribution was made, or

(B) The inclusion, under subdivision (b)(2), in gross income of such owner-employee of income attributable to the interest of such owner-employee under a plan,

for the taxable year in which such excess contribution was made or for any succeeding taxable year shall not expire prior to one year after the close of the six-month period referred to in subdivision (b)(3).

(c) A contribution by the employer on behalf of an owner-employee shall not be considered to be an excess contribution within the meaning of subdivision (a), if—

(1) Under the plan such contribution is required to be applied (directly or through a trustee) to pay premiums or other consideration for one or more annuity, endowment, or life insurance contracts on the life of such owner-employee issued under the plan,

(2) The amount of such contribution exceeds the amount deductible under Sections 17513 to 17525, inclusive, with respect to contributions made by the employer on behalf of such owner-employee under the plan, and

(3) The amount of such contribution does not exceed the average of the amounts which were deductible under Sections 17513 to 17525, inclusive, with respect to contributions made by the employer on behalf of such owner-employee under the plan (or which would have been deductible under such section if such section had been in effect) for the first three taxable years (A) preceding the year in which the last such annuity, endowment, or life insurance contract was issued under the plan and (B) in which such owner-employee derived earned income from the trade or business with respect to which the plan is established, or for so many of such taxable years as such owner-employee was engaged in such trade or business and derived earned income therefrom.

In the case of any individual on whose behalf contributions described in subdivision (c)(1) are made under more than one plan as an owner-employee during any taxable year, the preceding sentence shall not apply if the amount of such contributions under all such plans for such taxable year exceeds two thousand five hundred dollars ($2,500). Any contribution which is not considered to be an excess contribution by reason of the application of this subdivision shall, for purposes of subdivisions (a)(2)(B), (C), and (D), be taken into account as a contribution made by such owner-employee as an employee to the extent that the amount of such contribution is not deductible under Sections 17513 to 17525, inclusive, for the taxable year, but only for the purpose of applying such subdivisions to other contributions made by such owner-employee as an employee.

SEC. 9. Section 17502.5 is added to the Revenue and Taxation Code, to read:

17502.5. (a) For purposes of this article, a custodial account shall be treated as a qualified trust under this section, if—

(1) Such custodial account would, except for the fact that it is not a trust, constitute a qualified trust under this section;

(2) The custodian is a bank (as defined in Section 17502.3(a));

(3) The investment of the funds in such account (including all earnings) is to be made—

(A) Solely in regulated investment company stock with respect to which an employee is the beneficial owner, or

(B) Solely in annuity, endowment, or life insurance contracts issued by an insurance company;

(4) The shareholder of record of any such stock described in paragraph (3)(A) is the custodian or its nominee; and

(5) The contracts described in paragraph (3)(B) are held by the custodian until distributed under the plan.

For purposes of this article, in the case of a custodial account treated as a qualified trust under this section by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

(b) For purposes of subdivision (a), the term "regulated investment company" means a domestic corporation which—

(1) Is a regulated investment company within the meaning of Section 851(a) of the Internal Revenue Code of 1954, and

(2) Issues only redeemable stock.

SEC. 10. Section 17502.6 is added to the Revenue and Taxation Code, to read:

17502.6. For purposes of this article, the term "annuity" includes a face-amount certificate, as defined in Section 2(a)(15) of the Investment Company Act of 1940 (15 U.S.C., sec. 80a-2); but does not include any contract or certificate issued after December 31, 1967, which is transferable, if any person other than the trustee of a trust described in Section 17501 which is exempt from tax under Section 17631 is the owner of such contract or certificate.

SEC. 11. Section 17502.7 is added to the Revenue and Taxation Code, to read:

17502.7. Under regulations prescribed by the Franchise Tax Board, a pension or annuity plan may provide for the payment of benefits for sickness, accident, hospitalization, and medical expenses of retired employees, their spouses and their dependents, but only if—

(a) Such benefits are subordinate to the retirement benefits provided by the plan,

(b) A separate account is established and maintained for such benefits,

(c) The employer's contributions to such separate account are reasonable and ascertainable,

(d) It is impossible, at any time prior to the satisfaction of all liabilities under the plan to provide such benefits, for any part of the corpus or income of such separate account to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of such benefits, and

(e) Notwithstanding the provisions of Section 17501(b), upon the satisfaction of all liabilities under the plan to provide such benefits, any amount remaining in such separate account must, under the terms of the plan, be returned to the employer.

SEC. 12. Section 17502.8 is added to the Revenue and Taxation Code, to read:

17502.8. In the case of a trust forming part of a pension plan which has been determined by the Franchise Tax Board to constitute a qualified trust under Section 17501 and to be exempt from taxation under Section 17631 for a period beginning after contributions were first made to or for such trust, if it is shown to the satisfaction of the Franchise Tax Board that—

(a) Such trust was created pursuant to a collective bargaining agreement between employee representatives and two or more employers who are not related (determined under regulations prescribed by the Franchise Tax Board),

(b) Any disbursements of contributions made to or for such trust before the time as of which the Franchise Tax Board determined that the trust constituted a qualified trust, substantially complied with the terms of the trust, and the plan of which the trust is a part, as subsequently qualified, and

(c) Before the time as of which the Franchise Tax Board determined that the trust constitutes a qualified trust, the contributions to or for such trust were not used in a manner which would jeopardize the interests of its beneficiaries,

then such trust shall be considered as having constituted a qualified trust under Section 17501 and as having been exempt from taxation under Section 17631 for the period beginning on the date on which contributions were first made to or for such trust and ending on the date such trust first constituted (without regard to this section) a qualified trust under Section 17501.

SEC. 13. Section 17503 of the Revenue and Taxation Code is amended to read:

17503. (a) Except as provided in subdivision (b), the amount actually distributed or made available to any distributee by any employees' trust described in Section 17501 which is exempt from tax under Section 17631 shall be taxable to him, in the year in which so distributed or made available, under Sections 17101 to 17112.7 (relating to annui-

ties). The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(b) In the case of an employees' trust described in Section 17501, which is exempt from tax under Section 17631, if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or on account of the death of the employee after his separation from the service, the amount of such distribution, to the extent exceeding the amounts contributed by the employee, which employee contributions shall be reduced by any amounts theretofore distributed to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months.

Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

This subdivision (b) shall not apply to distributions paid to any distributee to the extent such distributions are attributable to contributions made on behalf of the employee while he was an employee within the meaning of Section 17502.2(a).

(c) For purposes of this section—

(1) The term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form.

(2) The term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in subdivisions (e) and (f) of Section 17535) of the employer corporation.

(3) The term "total distributions payable" means the balance to the credit of an employee which becomes payable to a distributee on account of the employee's death or other separation from the service, or on account of his death after separation from the service.

SEC. 14. Section 17511 of the Revenue and Taxation Code is amended to read:

17511. Except as provided in subdivision (a), if an annuity contract is purchased by an employer for an employee under a plan which meets the requirements of Section 17515 (whether

or not the employer deducts the amounts paid for the contract under such section), the employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17112, inclusive (relating to annuities).

(a) If—

(1) An annuity contract is purchased by an employer for an employee under a plan described in the first paragraph;

(2) Such plan requires that refunds of contributions with respect to annuity contracts purchased under such plan be used to reduce subsequent premiums on the contracts under the plan; and

(3) The total amounts payable by reason of an employee's death or other separation from the service, or by reason of the death of an employee after the employee's separation from the service, are paid to the payee within one taxable year of the payee,

then the amount of such payments, to the extent exceeding the amount contributed by the employee, which employee contributions shall be reduced by any amounts theretofore paid to him which were not includable in gross income, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. This subdivision shall not apply to amounts paid to any payee to the extent such amounts are attributable to contributions made on behalf of the employee while he was an employee within the meaning of Section 17502.2(a).

(b) For purposes of subdivision (a), the term "total amounts" means the balance to the credit of an employee which becomes payable to the payee by reason of the employee's death or other separation from the service, or by reason of his death after separation from the service.

(c) For purposes of this section, the term "employee" includes an individual who is an employee within the meaning of Section 17502.2(a), and the employer of such individual is the person treated as his employer under Section 17502.2(d).

SEC. 15. Section 17513 of the Revenue and Taxation Code is amended to read:

17513. If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under Section 17202 (relating to trade or business expenses) or Section 17252 (relating to expenses for the production of income); but, if they satisfy the conditions of either of such sections, they shall be deductible under Sections 17513 to 17525, inclusive, subject, however, to the limitations contained in Sections 17514 to 17525, inclusive, as to the amounts deductible in any year.

SEC. 15.5. Section 17515 of the Revenue and Taxation Code is amended to read:

17515. A deduction shall be allowed in the taxable year when paid, in an amount determined in accordance with Section 17514, if the contributions are paid toward the purchase of retirement annuities and such purchase is part of a plan which meets the requirements of Section 17501(c), (d), (e), (f), (g), and (h), and, if applicable, the requirements of Section 17501(i) and (j) and of Section 17502.3 (other than subdivision (a)), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

SEC. 16. Section 17520.4 is added to the Revenue and Taxation Code, to read:

17520.4. In the case of a plan included in Sections 17514, 17515, or 17516, which provides contributions or benefits for employees some or all of whom are employees within the meaning of Section 17502.2(a) for purposes of this article—

(a) The term "employee" includes an individual who is an employee within the meaning of Section 17502.2(a), and the employer of such individual is the person treated as his employer under Section 17502.2(d);

(b) The term "earned income" has the meaning assigned to it by Section 17502.2(b);

(c) The contributions to such plan on behalf of an individual who is an employee within the meaning of Section 17502.2(a) shall be considered to satisfy the conditions of Section 17202 or 17252 to the extent that such contributions do not exceed the earned income of such individual derived from the trade or business with respect to which such plan is established, and to the extent that such contributions are not allocable (determined in accordance with regulations prescribed by the Franchise Tax Board) to the purchase of life, accident, health, or other insurance; and

(d) Any reference to compensation shall, in the case of an individual who is an employee within the meaning of Section 17502.2(a), be considered to be a reference to the earned income of such individual derived from the trade or business with respect to which the plan is established.

SEC. 17. Section 17520.6 is added to the Revenue and Taxation Code, to read:

17520.6. In the case of a plan included in Sections 17514, 17515, or 17516 which provides contributions or benefits for employees some or all of whom are employees within the meaning of Section 17502 2(a)—

(a) The limitations provided by Sections 17514, 17515, 17516, and 17520 on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees (other than employees within the meaning of Section 17502.2(a)), as if such employees were the only employees for whom contributions and benefits are provided under the plan;

(b) The limitations provided by Sections 17514, 17515, 17516 and 17520 on the amounts deductible for any taxable year shall be computed, with respect to contributions on behalf of employees within the meaning of Section 17502.2(a)—

(1) As if such employees were the only employees for whom contributions and benefits are provided under the plan, and

(2) Without regard to Section 17514(d), the second and third sentences of Section 17516, and the second sentence of Section 17520; and

(c) The amounts deductible under Sections 17514, 17515, 17516, and 17520, with respect to contributions on behalf of any employee within the meaning of Section 17502.2(a), shall not exceed the applicable limitation provided in Section 17524.

SEC. 18. Section 17524 is added to the Revenue and Taxation Code, to read:

17524. (a) In the case of a plan included in Section 17514, 17515, or 17516, which provides contributions or benefits for employees some or all of whom are employees within the meaning of Section 17502.2(a), the amounts deductible under Sections 17513 to 17520.6, inclusive, in any taxable year with respect to contributions on behalf of any employee within the meaning of Section 17502.2(a) shall, subject to the provisions of subdivision (b), not exceed two thousand five hundred dollars ($2,500), or 10 percent of the earned income derived by such employee from the trade or business with respect to which the plan is established, whichever is the lesser.

(b) (1) In any taxable year in which amounts are deductible with respect to contributions under two or more plans on behalf of an individual who is an employee within the meaning of Section 17502.2(a) with respect to such plans, the aggregate amount deductible for such taxable year under all such plans with respect to contributions on behalf of such employee shall not exceed two thousand five hundred dollars ($2,500), or 10 percent of the earned income derived by such employee from the trades or businesses with respect to which the plans are established, whichever is the lesser.

(2) In any case in which the amounts deductible under Sections 17513 to 17520.6, inclusive (with the application of the limitations of this section), with respect to contributions made on behalf of an employee within the meaning of Section 17502.2(a), under two or more plans are, by reason of subdivision (b)(1), less than the amounts deductible under such section determined without regard to such subdivision, the amount deductible under Sections 17513 to 17520.6, inclusive, with respect to such contributions under each such plan shall be determined in accordance with regulations prescribed by the Franchise Tax Board.

(c) For purposes of this section, contributions which are allocable (determined under regulations prescribed by the

Franchise Tax Board) to the purchase of life, accident, health, or other insurance shall not be taken into account.

SEC. 19. Section 17525 is added to the Revenue and Taxation Code, to read:

17525. For purposes of this article, any amount paid, directly or indirectly, by an owner-employee (within the meaning of Section 17502.2(c)) in repayment of any loan which under Section 17112.5 was treated as an amount received under a contract purchased by a trust described in Section 17501 which is exempt from tax under Section 17631 or purchased as a part of a plan described in Section 17511 shall be treated as a contribution to which this section applies on behalf of such owner-employee to such trust or to or under such plan.

SEC. 20. Section 17526 is added to the Revenue and Taxation Code, to read:

17526. (a) A plan of an employer for the purchase for and distribution to his employees or their beneficiaries of United States bonds described in subdivision (b) shall constitute a qualified bond purchase plan under this section if—

(1) The plan meets the requirements of Section 17501(c), (d), (e), (f), (g), and (h) and, if applicable, the requirements of Section 17501(i) and (j) and of Section 17502.3 (other than subdivisions (a), (c)(2), and (h));

(2) Contributions under the plan are used solely to purchase for employees or their beneficiaries United States bonds described in subdivision (b).

(b) This section shall apply only to a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary of the United States Treasury under such act—

(1) Provides for payment of interest, or investment yield, only upon redemption;

(2) May be purchased only in the name of an individual;

(3) Ceases to bear interest, or provide investment yield, not later than five years after the death of the individual in whose name it is purchased;

(4) May be redeemed before the death of the individual in whose name it is purchased only if such individual—

(A) Has attained the age of 59½ years, or

(B) Has become disabled (within the meaning of Section 17112.5); and

(5) Is nontransferable.

This section shall apply to a bond described in subdivision (b) only if it is purchased in the name of the employee.

(c) Contributions paid by an employer to or under a qualified bond purchase plan shall be allowed as a deduction in an amount determined under Sections 17513 to 17525, inclusive, in the same manner and to the same extent as if such contributions were made to a trust described in Section 17501 which is exempt from tax under Section 17631.

(d) (1) For purposes of this article, in the case of a distributee of a bond described in subdivision (b) under a qualified bond purchase plan, or from a trust described in Section 17501 which is exempt from tax under Section 17631, gross income does not include any amount attributable to the receipt of such bond. Upon redemption of such bond, the proceeds shall be subject to taxation under this part, but the provisions of Sections 17101 to 17112.7, inclusive (relating to annuities, etc.) and Sections 18183, 18184, and 18185 (relating to bonds and other evidences of indebtedness) shall not apply.

(2) The basis of any bond received by a distributee under a qualified bond purchase plan—

(A) If such bond is distributed to an employee, or with respect to an employee, who at the time of purchase of the bond, was an employee other than an employee within the meaning of Section 17502.2(a), shall be the amount of the contributions by the employee which were used to purchase the bond, and

(B) If such bond is distributed to an employee, or with respect to an employee, who, at the time of purchase of the bond, was an employee within the meaning of Section 17502.2(a), shall be the amount of the contributions used to purchase the bond which were made on behalf of such employee and were not allowed as a deduction under subdivision (c).

The basis of any bond described in subdivision (b) received by a distributee from a trust described in Section 17501 which is exempt from tax under Section 17631 shall be determined under regulations prescribed by the Franchise Tax Board.

(e) Section 17503(b) shall not apply to any bond described in subdivision (b) distributed to any distributee and, for purposes of applying such section, any such bond distributed to any distributee and any such bond to the credit of any employee shall not be taken into account.

(f) For purposes of this section, the term "employee" includes an individual who is an employee within the meaning of Section 17502.2(a), and the employer of such individual shall be the person treated as his employer under Section 17502.2(d).

(g) At the time of purchase of any bond to which this section applies, proof of such purchase shall be furnished in such form as will enable the purchaser, and the employee in whose name such bond is purchased, to comply with the provisions of this section.

(h) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the provisions of this section

SEC. 20.3. Section 17529 is added to the Revenue and Taxation Code, to read:

17529. For purposes of this part, the term "earned income" means wages, salaries, or professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Franchise Tax Board, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of his share of the net profits of such trade or business, shall be considered as earned income.

SEC. 20.6. Section 17641 is added to the Revenue and Taxation Code, to read:

17641. (a) In the case of a trust described in Section 17501 which is part of a plan providing contributions or benefits for employees some or all of whom are owner-employees (as defined in Section 17502.2(c)) who control (within the meaning of Section 17502.3(i)(2) the trade or business with respect to which the plan is established, the term "prohibited transaction" also means any transaction in which such trust, directly or indirectly—

(1) Lends any part of the corpus or income of the trust to;

(2) Pays any compensation for personal services rendered to the trust to;

(3) Makes any part of its services available on a preferential basis to; or

(4) Acquires for the trust any property from, or sells any property to;

any person described in Section 17637 or to any such owner-employee, a member of the family (as defined in Section 17289(d) of any such owner-employee, or a corporation controlled by any such owner-employee through the ownership, directly or indirectly, of 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock of the corporation.

(b) For purposes of the application of subdivision (a)(1), the following rules shall apply with respect to a loan made before the date of the enactment of this section which would be a prohibited transaction if made in a taxable year beginning after December 31, 1968.

(1) If any part of the loan is repayable prior to December 31, 1969, the renewal of such part of the loan for a period not extending beyond December 31, 1969, on the same terms, shall not be considered a prohibited transaction.

(2) If the loan is repayable on demand, the continuation of the loan beyond December 31, 1969, shall be considered a prohibited transaction.

SEC. 21. Section 19267 is added to the Revenue and Taxation Code, to read:

19267. (a) The trustee of a trust described in Section 17501 which is exempt from tax under Section 17631 to which contributions have been paid under a plan on behalf of any owner-employee (as defined in Section 17502.2(c)), and each insurance company or other person which is the issuer of a contract purchased by such a trust, or purchased under a plan described in Section 17511, contributions for which have been paid on behalf of any owner-employee, shall file such returns (in such form and at such times), keep such records, make such identification of contracts and funds (and accounts within such funds), and supply such information, as the Franchise Tax Board shall by forms or regulations prescribe.

(b) Every individual on whose behalf contributions have been paid as an owner-employee (as defined in Section 17502.2(c))—

(1) To a trust described in Section 17501 which is exempt from tax under Section 17631, or

(2) To an insurance company or other person under a plan described in Section 17511,

shall furnish the trustee, insurance company, or other person, as the case may be, such information at such times and in such form and manner as the Franchise Tax Board shall prescribe by forms or regulations.

(c) Every individual in whose name a bond described in Section 17526(b) is purchased by his employer under a qualified bond purchase plan described in Section 17526(a), or by a trust described in Section 17501 which is exempt from tax under Section 17631, shall furnish—

(1) To his employer or to such trust, and

(2) To the Franchise Tax Board (or to such person as the Franchise Tax Board may by regulations prescribe), such information as the Franchise Tax Board shall by forms or regulations prescribe.

SEC. 22. The provisions of this act shall apply to taxable years beginning after December 31, 1970.

CHAPTER 1608

An act to amend Sections 25, 25.6, and 196a of, to add Section 195 to, and to add Part 5 (commencing with Section 4000) to Division 4 of, and to repeal Title 1 (commencing with Section 55) of Part 3 of Division 1 of, and to repeal Sections 199 and 214 of, the Civil Code, and to amend Sections 285.1, 395, 396b, 397, 426a, 426c, 1761, 1769, 1770, 1771, and 1772 of, and to repeal Sections 125, 426b and

1019 of, the Code of Civil Procedure, and to amend Section 26859 of the Government Code, and to amend Sections 10360, 10361, 10362, 10363, 10364, 10366, 10368. 10369, and 10371 of, and to repeal Sections 10365 and 10370 of, the Health and Safety Code, and to repeal Section 740.1 of the Welfare and Institutions Code, relating to domestic relations.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969]

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; 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 dissolution or nullity of such marriage shall not deprive such person of his adult status once attained under the foregoing provision.

SEC. 2. Section 25.6 of the Civil Code is amended to read:

25.6. Notwithstanding any other provision of the law, any minor who has contracted a lawful marriage may give consent to the furnishing of hospital, medical and surgical care to such minor, and such consent shall not be subject to disaffirmance because of minority. The consent of the parent, or parents, of such a person shall not be necessary in order to authorize hospital, medical and surgical care. For the purposes of this section only, subsequent judgment of dissolution of marriage shall not deprive such person of his adult status once attained.

SEC. 3. Title 1 (commencing with Section 55) of Part 3 of Division 1 of the Civil Code is repealed.

SEC. 4. Section 195 is added to the Civil Code, to read:

195. The issue of a marriage which is void, invalid, adjudged a nullity, or dissolved by a judgment decreeing the dissolution of the marriage is legitimate.

SEC. 5. Section 196a of the Civil Code is amended to read:

196a. The father as well as the mother of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligations may be

maintained in behalf of a minor illegitimate child by his mother or guardian, or by a guardian ad litem appointed upon the written application or with the consent of his mother; provided, that such application or consent shall not be necessary if the mother is dead or incompetent, and in such action the court shall have power to order and enforce performance thereof, the same as is the case with respect to legitimate children, in a suit for dissolution of marriage by a wife.

SEC. 6. Section 199 of the Civil Code is repealed.

SEC. 7. Section 214 of the Civil Code is repealed.

SEC. 8. Part 5 (commencing with Section 4000) is added to Division 4 of the Civil Code, to read:

PART 5. THE FAMILY LAW ACT

TITLE 1. MARRIAGE

CHAPTER 1. GENERAL

4000. This part shall be known and may be cited as "The Family Law Act."

4001. Notwithstanding any other provision of law, the Judicial Council may provide by rule for the practice and procedure in proceedings under this part.

CHAPTER 2. THE SOLEMNIZATION OF MARRIAGE

Article 1. Validity of Marriage

4100. Marriage is a personal relation arising out of a civil contract, to which the consent of the parties capable of making that contract is necessary. Consent alone will not constitute marriage; it must be followed by the issuance of a license and solemnization as authorized by this code, except as provided by Section 4213.

4101. 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 4102, where such written consent or order is filed by the clerk issuing the marriage license, as provided in Section 4201, 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 4201 and where, after such showing as the su-

perior 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 4102, when such court order is filed with the clerk issuing the marriage license, as provided in Section 4201, is capable of consenting to and consummating marriage.

4102. Whenever 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 such minor to marry. Such order shall be filed with the county clerk at the time the license is issued.

4103. Consent to marriage and solemnization thereof may be proved under the same general rules of evidence as facts are proved in other cases.

4104. All marriages contracted without this state, which would be valid by the laws of the jurisdiction in which the same were contracted, are valid in this state.

Article 2. Authentication of Marriage

4200. Marriage must be licensed, solemnized, authenticated, and the certificate of registry of marriage filed as provided in this article; but noncompliance with its provisions by others than a party to a marriage does not invalidate it.

4201. All persons about to be joined in marriage must first obtain a license therefor, from a county clerk, which license must show all of the following:

(1) The identity of the parties.

(2) Their real and full names, and places of residence.

(3) Their ages.

No license shall be granted when either of the parties, applicants therefor, is an imbecile, or insane, or is at the time of making the application for the 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, 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 4101 and such consent or consents or court orders, provided for in Section 4102, 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, which 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 the 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.

4202. All persons about to be joined in marriage must obtain from the county clerk of the county in which the license is issued, in addition to the license therefor provided for in Section 4201, a certificate of registry of marriage as provided in Division 9 (commencing with Section 10000) of the Health and Safety Code containing the items therein listed which certificate of registry of marriage shall be filled out as provided, in the presence of the county clerk issuing the marriage license and shall then be presented to the person performing the ceremony who shall complete the certificate thereon and shall cause to be entered thereon the signature and address of one witness to the marriage ceremony. Such certificate of registry of marriage shall be filed by the person performing the ceremony with the county recorder of the county in which the license was issued within four days after the ceremony.

4203. 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 4202, 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 such duplicate license and certificate is two dollars and fifty cents ($2.50).

4204. A license issued pursuant to Section 4201 shall expire 90 days after its issuance and the calendar date of expiration shall be clearly noted on the face of each such license.

The county clerk shall number each license issued, and shall transmit at periodic intervals to the county recorder a list of the licenses issued. Not later than 60 days after the date of issuance the county recorder shall notify those parties whose certificates have not been filed of that fact and that the license will automatically expire on the date shown on the face of the license. The county recorder shall also notify the licenseholders of the obligation of the person marrying them to return the certificate of registry and endorsed license to the recorder's office within four days after the ceremony.

4205. Marriage may be solemnized by any judge of a court of record or justice court in this state or by any priest, minis-

ter or rabbi of any religious denomination, of the age of 21 years or over.

4206. No particular form for the ceremony of marriage is required, but the parties must declare, in the presence of the person solemnizing the marriage, that they take each other as husband and wife.

4207. The person solemnizing a marriage must first require the presentation of the marriage license; and if he has any reason to doubt the correctness of its statement of facts, he must first satisfy himself of its correctness, and for that purpose he may administer oaths and examine the parties and witnesses in like manner as the county clerk does before issuing the license.

4208. The person solemnizing a marriage must make, sign and endorse upon or attach to the license a statement, in the form prescribed by the State Department of Public Health showing all of the following:

(1) The fact, time and place of solemnization.

(2) The names and places of residence of one or more witnesses to the ceremony.

(3) A statement of the official position of the person solemnizing the marriage, or of the denomination of which such person is a priest, minister or clergyman. The person solemnizing the marriage shall also type or print his name and address.

The marriage license, thus endorsed, shall be returned to the county recorder of the county in which the license was issued within four days after the ceremony.

4209. The person solemnizing a marriage must, at the request of, and for either party, issue a marriage certificate showing the facts specified in Section 4208.

4210. If no record of the solemnization of a marriage heretofore contracted, be known to exist, the parties may join in a written declaration of such marriage, substantially showing all of the following:

(1) The names, ages, and residences of the parties.

(2) The fact of marriage.

(3) That no record of such marriage is known to exist.

Such declaration shall be subscribed by the parties and attested by at least three witnesses.

4211. Declarations of marriage must be acknowledged and recorded in like manner as grants of real property.

4212. If either party to any marriage denies the same, or refuses to join in a declaration thereof, the other may proceed, by action in the superior court, to have the validity of the marriage determined and declared.

If the female party to any marriage, who has reached the age of 18 years, desires to have the validity of such marriage established in order to establish the fact or time, or both, of her attaining majority, she may proceed, by action in the superior court, brought against the husband, to have the va-

lidity of the marriage determined and declared and the fact or time, or both, of her attaining majority established and declared; and even though she be under the age of 21 years, such action may be commenced and prosecuted by her in her own name and right, and need not be brought or prosecuted in her behalf by general guardian or by a guardian ad litem; but if she has a general guardian of her estate he shall, unless he prosecutes the action on her behalf, be joined as a defendant together with the husband, in which latter event no judgment shall be made in such action until such general guardian of the estate has either appeared in the action, or defaulted after due service of summons on him; and provided further, that if the petitioner in such action has no general guardian of her estate the court may, in its discretion require the appointment of a guardian ad litem to prosecute the action on her behalf and to safeguard her interests in the action.

4213. When unmarried persons, not minors, have been living together as man and wife, they may, without a license, be married by any clergyman. A certificate of such marriage shall be made by the clergyman, delivered to the parties, and recorded upon the records of the church of which the clergyman is a representative. No other record need be made.

4214. All marriages that have heretofore been, or that may hereafter be consummated under the provisions of Section 4213 are hereby declared to be valid.

4215. The provisions of this article, so far as they relate to the solemnizing of marriages, are not applicable to members of any particular religious denomination having, as such, any peculiar mode of entering the marriage relation; but such marriages must be declared, as provided in Section 4210, and be acknowledged and recorded, as provided in Section 4211. Where a marriage is declared as provided in Section 4210 the husband must file said declaration with the county recorder within 30 days after such marriage, and upon receiving the same the county recorder must record the same; and if the husband fails to make such declaration and file the same for record, as herein provided, he is liable to the same penalties as any person authorized to solemnize marriages, who fails to make the return of such solemnization as provided by law.

Article 3. Premarital Examination

4300. Before any person, who is or may hereafter be authorized by law to issue marriage licenses, shall issue any such license, each applicant therefor shall file with him a certificate from a duly licensed physician which certificate shall state that the applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than 30 days prior to the date of issuance of such license, and that, in the opinion of such physician, the person either is not infected with syphi-

lis, or if so infected, is not in a stage of that disease which is or may become communicable to the marital partner.

Any person who by law is validly able to obtain a marriage license in the State of California is validly able to give consent to any examinations and tests required by this article. In submitting the blood specimen to the laboratory the physician shall designate that this is a premarital test.

4301. The certificate shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such reports, setting forth the name of the test, the date it was made, the name and address of the physician to whom the test was sent and the name and address of the person whose blood was tested.

4302. Except as hereinafter provided, the certificate of a physician and the statement from a person in charge of a laboratory or from a person authorized to make reports for the laboratory shall be on a form to be provided and distributed by the State Department of Public Health to laboratories in the state approved by the State Department of Public Health. This form is hereinafter referred to in this article as "the certificate form."

4303. Certificate forms provided by other states having comparable laws will be accepted for persons who have been examined and who have received serological tests for syphilis outside of California provided such examinations and tests are performed not more than 30 days prior to the issuance of a marriage license. Certificates provided by the armed forces of the United States will be accepted for military personnel provided such certificates are signed by a medical officer commissioned in such armed forces and provided the certificates state the examinations and serological tests for syphilis were performed not more than 30 days prior to the issuance of the marriage license.

4304. For the purpose of this article a standard serological test shall be a test for syphilis approved by the State Department of Public Health and an approved laboratory shall be the laboratory of the State Department of Public Health or a laboratory approved by the State Department of Public Health or any other laboratory the director of which is licensed by the State Department of Public Health according to law. In case of question concerning accuracy of tests prescribed in this article, it shall be mandatory upon the State Department of Public Health to accept specimens for checking purposes from any district in the state.

4305. The laboratory shall submit such laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health. The health officer may destroy any copies of reports retained by him pursuant to this section for a period of two years.

4306. The judge of the superior court in the county in which the license is to be issued is hereby authorized and empowered, on joint application by both parties to a marriage, to waive the requirements as to medical examinations, laboratory tests, and certificates and to order the licensing authority to issue the license applied for, if all other requirements of the marriage laws have been complied with, and if the judge is satisfied by affidavit or other proof that an emergency or other sufficient cause for such action exists and that the public health and welfare will not be injuriously affected thereby.

In any case where such examinations and tests have been made and certificate or certificates have been refused because one or both of the applicants have been found to be infected with syphilis, the judge shall nevertheless be authorized and empowered, on application of both parties to such marriage to order the licensing authority to issue the license, if all other requirements of the marriage laws have been complied with and if the judge is satisfied by affidavit or other proof that an emergency or other sufficient cause for such order exists and that the public health and welfare will not be injuriously affected thereby. In every such case, however, the clerk of the court shall transmit to the State Department of Public Health a transcript of the record and the order thereon for such followup by the department as is required by law or deemed necessary by the department for the protection of the public health. The order of the court shall be filed by the licensing authority in lieu of the certificate form.

The superior court when it is deemed necessary may, to the extent authorized by law or rules of court, order all proceedings instituted under the provisions of this article to be confidential and private. There shall be no fee for these court proceedings.

4307. The certificate forms and the court orders shall be filed in the office of the county clerk. They shall be preserved for one year from the date of filing after which date they may be destroyed.

4308. Any applicant for a marriage license, physician, or representative of a laboratory who shall misrepresent his identity or any of the facts called for by the certificate form prescribed by this article; or any licensing officer who shall issue a marriage license without having received the certificate form or an order from the court, or who shall have reason to believe that any of the facts on the certificate form have been misrepresented, and shall nevertheless issue a marriage license; or any person who shall otherwise fail to comply with the provisions of this article shall be guilty of a misdemeanor.

4309. Certificates, laboratory statements or reports, applications and court orders, in this article referred to and the information therein contained, shall be confidential and shall not be divulged to or open to inspection by any person other

than state or local health officers or their duly authorized representatives.

Any person who shall divulge such information or open to inspection such certificates, statements, reports, applications or court orders, without authority, to any person not by law entitled to the same shall be guilty of a misdemeanor.

TITLE 2. JUDICIAL DETERMINATION OF VOID OR VOIDABLE MARRIAGE

CHAPTER 1. VOID MARRIAGE

4400. Marriages between parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces or aunts and nephews, are incestuous, and void from the beginning, whether the relationship is legitimate or illegitimate.

4401. 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 dissolved or declared a nullity prior to the date of the subsequent marriage.

(2) The former husband or wife is absent, and not known to such person to be living for the space of five successive years immediately preceding the 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 pursuant to subdivision (b) of Section 4425.

CHAPTER 2. VOIDABLE MARRIAGE

4425. A marriage is voidable if any of the following conditions existed at the time of the marriage:

(a) The party who commences the proceeding or on whose behalf the proceeding is commenced was without the capability of consenting thereto as provided in Section 4101, unless, after attaining the age of consent, such party for any time freely cohabited with the other as husband and wife.

(b) The husband or wife of either party was living and the marriage with such husband or wife was then in force, provided, however, that such husband or wife was absent and not known to the party commencing the proceeding to be living for a period of five successive years immediately preceding the subsequent marriage for which the judgment of nullity is sought, or was generally reputed or believed by such party to be dead at the time such subsequent marriage was contracted.

(c) Either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband and wife.

(d) The consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband or wife.

(e) The consent of either party was obtained by force, unless such party afterwards freely cohabited with the other as husband or wife.

(f) Either party was, at the time of marriage, physically incapable of entering into the marriage state, and such incapacity continues, and appears to be incurable.

4426. A proceeding to obtain a judgment of nullity of marriage, for causes set forth in Section 4425, must be commenced within the periods and by the parties, as follows:

(a) For causes mentioned in subdivision (a): by the party to the marriage who was married under the age of legal consent, within four years after arriving at the age of consent; or by a parent, guardian, or other person having charge of such nonaged male or female, at any time before such married minor has arrived at the age of legal consent.

(b) For causes mentioned in subdivision (b): by either party during the life of the other, or by such former husband or wife.

(c) For causes mentioned in subdivision (c): by the party injured, or relative or guardian of the party of unsound mind, at any time before the death of either party.

(d) For causes mentioned in subdivision (d): by the party injured, within four years after the discovery of the facts constituting the fraud.

(e) For causes mentioned in subdivision (e): by the injured party, within four years after the marriage.

(f) For causes mentioned in subdivision (f): by the injured party, within four years after the marriage.

CHAPTER 3. SUPPLEMENTARY PROVISIONS

4450. A proceeding based on void or voidable marriage shall be commenced by filing in the superior court a petition entitled "In re the marriage of _____ and _____" which shall state that it is a petition for a judgment of nullity of the marriage. A copy of the petition together with a copy of a summons in a form and content approved by the Judicial Council shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

4451. A judgment of nullity is conclusive only as to the parties to the proceeding and those claiming under them.

4452. Whenever a determination is made that a marriage is void or voidable and the court finds that either party or both parties believed in good faith that the marriage was valid, the court shall declare such party or parties to have the status of a putative spouse, and shall divide, in accordance with Section

4800, that property acquired during the union which would have been community property or quasi-community property if the union had not been void or voidable. Such property shall be termed "quasi-marital property". If the division of property is in issue and the court expressly reserves jurisdiction, it may make the property division at a time subsequent to the judgment.

4453. The issue of a void or voidable marriage is legitimate, and a judgment of nullity does not affect the legitimacy of children conceived or born before the issuance of such judgment. The court may, during the pendency of proceedings to have a marriage adjudged a nullity, or at any time thereafter, make such orders for the care, maintenance and support of such children in the same manner as if the marriage had not been void or voidable.

4454. Custody of the children of a marriage adjudged a nullity shall be determined according to Section 4600.

4455. The court may, during the pendency of a proceeding to have a marriage adjudged a nullity, or upon judgment, order the other party to pay for the support of such party in the same manner as if the marriage had not been void or voidable, provided that the parties are found to be putative spouses and the party for whose benefit the order is made is found to be innocent of fraud or wrongdoing in inducing or entering into the marriage, and free from knowledge of the then existence of any prior marriage or other impediment to the contracting of the marriage sought to be annulled.

4456. The court may grant attorney's fees and costs in accordance with Section 4525 in proceedings to have the marriage adjudged void and in those proceedings based upon voidable marriage in which the party applying for attorney's fees and costs is found to be innocent of fraud or wrongdoing in inducing or entering into the marriage, and free from knowledge of the then existence of any prior marriage or other impediment to the contracting of the marriage for which a judgment of nullity is sought.

4457. In any proceeding under this title, the court may restore the maiden name or former name of the wife regardless of whether or not a request was made therefor in the petition.

TITLE 3. DISSOLUTION OF MARRIAGE

CHAPTER 1. GENERAL PROVISIONS

4500. Marriage is dissolved only by (1) the death of one of the parties or (2) the judgment of a court of competent jurisdiction decreeing a dissolution of the marriage.

4501. The effect of a judgment decreeing a dissolution of the marriage is to restore the parties to the state of unmarried persons.

4502. In proceedings under this chapter, the superior court has jurisdiction to inquire into and render such judgments and make such orders as are appropriate concerning the status of the marriage, the custody and support of minor children of the marriage, the support of either party, the settlement of the property rights of the parties, and the award of attorneys' fees and costs.

4503. A proceeding for dissolution of the marriage or for legal separation shall be commenced by filing in the superior court a petition entitled "In re the marriage of _____ and _____" which shall state whether it is a petition for the dissolution of the marriage or a legal separation. A copy of the petition together with a copy of a summons in a form and content approved by the Judicial Council shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

4504. A responsive pleading, if any, shall be filed and served upon the other party within 30 days of the date of the service upon the respondent of a copy of the petition and summons.

4505. (a) In those counties which have established a conciliation court, the petitioner shall complete and file a questionnaire approved by the Judicial Council, concurrently with the filing of the petition.

(b) A blank copy of the questionnaire shall be served upon the respondent together with copies of the summons and petition. The respondent shall complete and file the questionnaire with his responsive pleading.

(c) The questionnaire shall be confidential and may be used only by the court, counsel for the parties, or persons authorized by the court.

4506. A court may decree a dissolution of the marriage or legal separation on either of the following grounds, which shall be pleaded generally:

(1) Irreconcilable differences, which have caused the irremediable breakdown of the marriage.

(2) Incurable insanity.

4507. Irreconcilable differences are those grounds which are determined by the court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved.

4508. (a) If from the evidence at the hearing and contained in the confidential questionnaire, the court finds that there are irreconcilable differences, which have caused the irremediable breakdown of the marriage, it shall order the dissolution of the marriage or a legal separation. If it appears that there is a reasonable possibility of reconciliation, the court shall continue the proceeding for a period not to exceed 30 days. During the period of the continuance, the court may make any order for the support and maintenance of the parties, the custody, support, maintenance, and education of the

minor children of the marriage, attorney fees, and for the preservation of the property of the parties. At any time after the termination of such 30-day period, either party may move for the dissolution of the marriage or a legal separation, and the court may enter its judgment decreeing such dissolution or separation.

(b) The court may not render a judgment decreeing the legal separation of the parties without the consent of both parties unless one party has not made a general appearance and the petition is one for legal separation. A judgment decreeing the legal separation of the parties shall not bar a subsequent judgment decreeing the dissolution of the marriage rendered pursuant to a petition for dissolution filed by either party.

4509. In any pleadings or proceedings for legal separation or dissolution of marriage under this part, including depositions and discovery proceedings, evidence of specific acts of misconduct shall be improper and inadmissible, except where child custody is in issue and such evidence is relevant to establish that parental custody would be detrimental to the child, or at the hearing where it is determined by the court to be necessary to establish the existence of irreconcilable differences.

4510. A marriage may be dissolved on the grounds of incurable insanity only upon proof, including competent medical or psychiatric testimony, that the insane spouse was at the time the petition was filed, and remains, incurably insane.

No decree granted on this ground shall relieve a spouse from any obligation imposed by law as a result of the marriage for the support of the spouse who is incurably insane, and the court may make such order for support, or require a bond therefor, as the circumstances require.

If the insane spouse has a general guardian or guardian of his person, other than the spouse bringing the action, the petition and summons shall be served upon the insane spouse and such guardian and he shall defend and protect the interests of the insane spouse. If the insane spouse has no general guardian or no guardian of his person, or if the spouse bringing the action is the general guardian or guardian of his person, the court shall appoint a guardian ad litem, who may be the district attorney or the county counsel, if any, to defend and protect the interests of the insane spouse. If a district attorney or county counsel is appointed guardian ad litem pursuant to this paragraph, his successor in the office of district attorney or county counsel, as the case may be, succeeds him as guardian ad litem, without further action by the court or parties.

4511. No decree of dissolution can be granted upon the default of one of the parties or upon any statement or finding of fact made by a referee; but the court must, in addition to any statement or finding of the referee, require proof of the grounds alleged, and such proof, if not taken before the

court, shall be by affidavit or declaration under penalty of perjury.

4512. In actions for dissolution of the marriage, the court must file its decision and conclusions of law as in other cases, and if it determines that no dissolution shall be granted, final judgment must therefore only be entered accordingly. If it determines that a dissolution ought to be granted, an interlocutory judgment must be entered declaring that the parties are entitled to have their marriage dissolved. After the entry of the interlocutory judgment, neither party shall have the right to dismiss the action without the consent of the other.

4513. In cases in which the court has determined that a decree of dissolution ought to be granted, but by mistake, negligence or inadvertence, the interlocutory judgment has not been signed, filed and entered, the court may cause the interlocutory judgment to be signed, dated, filed and entered therein as of the date when the same could have been signed, dated, filed and entered originally; provided, however, that it shall appear to the satisfaction of the court that no appeal is to be taken in the action or motion made for a new trial, to annul or set aside the judgment or for relief under Chapter 8 (commencing with Section 469) of Title 6 of Part 2 of the Code of Civil Procedure. Such action may be taken by the court on its own motion or upon the motion of either party thereto. In contested cases, the motion of a party shall be with notice to the other party. The court may cause such interlocutory judgment to be entered nunc pro tunc as aforesaid, even though an interlocutory judgment or final judgment or both judgments may have been previously entered, where by mistake, negligence or inadvertence the interlocutory judgment was not entered as soon as it could have been entered under the law if applied for. Upon the entry of such interlocutory judgment, the parties shall have the same rights to a final judgment that they would have had, had the interlocutory judgment been entered upon the date when it could have been entered originally.

4514. When an interlocutory judgment has been entered pursuant to Section 4512, and six months have expired from the date of service of a copy of summons and complaint, or the date of appearance of the respondent, the court on motion of either party, or upon its own motion, may enter the final judgment dissolving the marriage, and such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment or motion for a new trial made, final judgment shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court

to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

4515. Whenever either of the parties in a proceeding for dissolution of the marriage 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 (commencing with Section 469) of 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 six months after the date of service of a copy of the summons and petition upon, or appearance by, the respondent spouse, as shown by the minutes of the court, and after the final judgment could have been entered under the law if applied for, such shall be valid for all purposes as of the date affixed to such final judgment, upon the filing thereof.

4516. During the pendency of any proceeding under Title 3 (commencing with Section 4500) or Title 4 (commencing with Section 4600) of this part, the superior court may order the husband or wife, or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance, and education of the children, as the case may be. An order made pursuant to this section shall not prejudice the rights of the parties or children with respect to any subsequent order which may be made. Any such order may be modified or revoked at any time except as to any amount that may have accrued prior to the date of filing of the notice of motion or order to show cause to modify or revoke.

4517. In any proceeding under Chapter 1 (commencing with Section 4400) or Chapter 2 (commencing with Section 4425) of Title 2 of this part or under this chapter, 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 creditor shall have no right to

enforce the order nor shall his rights be affected by such determination.

4518. During the pendency of any proceeding under Chapter 1 (commencing with Section 4400) or Chapter 2 (commencing with Section 4425) of Title 2 of this part, or under this chapter, upon application of either party in the manner provided by Section 527 of the Code of Civil Procedure, the superior court may issue ex parte orders (1) restraining any person from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life, and if such order is directed against a party, requiring him to notify the other party of any proposed extraordinary expenditures and to account to the court for all such extraordinary expenditures; (2) enjoining any party from molesting or disturbing the peace of the other party; (3) excluding either party from the family dwelling or from the dwelling of the other upon a showing that physical or emotional harm would otherwise result, as provided in Section 5102; and (4) determining the temporary custody of any minor children of the marriage.

4519. The court may, when it considers it necessary in the interests of justice and the persons involved, direct the trial of any issue of fact joined in proceedings under this title to be private, and may exclude all persons except the officers of the court, the parties, their witnesses and counsel.

4520. Any evidence collected by eavesdropping in violation of Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 of the Penal Code is inadmissible in any proceeding for dissolution of the marriage or legal separation or for a declaration of void or voidable marriage. If it appears that such a violation exists, the court may refer the matter to the proper authority for investigation and prosecution.

4521. In any proceeding under this part, except an action for legal separation, the court may restore the maiden or former name of the wife regardless of whether or not a request therefor was included in the petition.

CHAPTER 2. PROVISIONS FOR ATTORNEYS' FEES AND COSTS

4525. (a) During the pendency of any proceeding under this part, the court may order the husband or wife, or father or mother, as the case may be, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the proceeding and for attorneys' fees; and from time to time and before entry of judgment, the court may augment or modify the original award for costs and attorneys' fees as may be reasonably necessary for the prosecution or defense of the proceeding or any proceeding relating thereto. In respect to services rendered or costs incurred after the entry of judgment, the court may award such costs and attorneys' fees as

may be reasonably necessary to maintain or defend any subsequent proceeding therein, and may thereafter augment or modify any award so made. Attorneys' fees and costs within the provisions of this subdivision may be awarded for legal services rendered or costs incurred prior, as well as subsequent, to the commencement of the proceeding.

(b) During the pendency of any proceeding under this part, an application for a temporary order making, augmenting, or modifying an award of attorneys' fees or costs or both shall be made by motion on notice or by an order to show cause, except that it may be made without notice by an oral motion in open court:

(1) At the time of the hearing of the cause on the merits; or

(2) At any time prior to entry of judgment against a party whose default has been entered pursuant to Section 585 or 586 of the Code of Civil Procedure.

4526. When the court orders one of the parties to pay costs and attorneys' fees, such costs and fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. An order of the court providing for payment of such costs and fees may be enforced directly by such attorney in his own name or by the party in whose behalf such order was made, provided that if such attorney has ceased to be such, it shall be a condition of such enforcement, and must appear of record, that such attorney shall have given to his former client or successor counsel 10 days' written notice of his application for such enforcement, and during such period the client may file in such proceeding a motion directed to such former attorney for partial or total reallocation of fees and costs to cover the services and cost of successor counsel, in which event such proceeding shall be stayed until the court has resolved such motion.

CHAPTER 3. RESIDENCE REQUIREMENTS

4530. (a) A judgment decreeing the dissolution of a marriage may not be entered unless one of the parties to the marriage has been a resident of this state for six months and of the county in which the proceeding is filed for three months next preceding the filing of the petition.

(b) In any proceeding for legal separation in which neither party, at the time such proceeding was commenced, has complied with the residence requirements of subdivision (a), either party may, upon complying with such residence requirements, amend his petition or responsive pleading in such proceeding to request that a judgment decreeing the dissolution of the marriage be entered and the date of the filing of such amended petition or pleading shall be deemed to be the date of commencement of the proceeding for the dissolution of the marriage for the purposes only of the residence requirements

of subdivision (a). Notice of such amendment shall be given to the other party in the manner provided by rules adopted by the Judicial Council.

4531. In proceedings for a dissolution of marriage neither the domicile nor residence of the husband shall be deemed to be the domicile or residence of the wife. For the purpose of such proceeding each may have a separate domicile or residence depending upon proof of the fact and not upon legal presumptions.

CHAPTER 4. ENFORCEMENT OF JUDGMENTS, ORDERS, AND DECREES

4540. Any judgment, order, or decree of the court made or entered pursuant to this part may be enforced by the court by execution, attachment, the appointment of a receiver, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary.

TITLE 4. CUSTODY OF CHILDREN

4600. In any proceeding where there is at issue the custody of a minor child, the court may, during the pendency of the proceeding, or at any time thereafter, make such order for the custody of such child during his minority as may seem necessary or proper. If a child is of sufficient age and capacity to reason so as to form an intelligent preference as to custody, the court shall consider and give due weight to his wishes in making an award of custody or modification thereof. Custody should be awarded in the following order of preference:

(a) To either parent according to the best interests of the child, but, other things being equal, custody shall be given to the mother if the child is of tender years.

(b) To the person or persons in whose home the child has been living in a wholesome and stable environment.

(c) To any other person or persons deemed by the court to be suitable and able to provide adequate and proper care and guidance for the child.

Before the court makes any order awarding custody to a person or persons other than a parent, without the consent of the parents, it must make a finding that an award of custody to a parent would be detrimental to the child, and the award to a nonparent is required to serve the best interests of the child. Allegations that parental custody would be detrimental to the child, other than a statement of that ultimate fact, shall not appear in the pleadings. The court may, in its discretion, exclude the public from the hearing on this issue.

4601. Reasonable visitation rights shall be awarded to a parent unless it is shown that such visitation would be detrimental to the best interests of the child. In the discretion of the court, reasonable visitation rights may be granted to any other person having an interest in the welfare of the child.

4602. In any proceeding under this part, when so directed by the court, the probation officer or domestic relations investigator shall conduct a custody investigation and file a written report thereon, which report may be considered by the court and shall be made available to all interested parties or their attorneys at least 10 days before any hearing regarding the custody of a child. Such report may be received in evidence upon stipulation of all interested parties.

4603. Without filing a petition pursuant to Section 4503, husband or wife may bring an action for the exclusive custody of the children of the marriage. The court may, during the pendency of such action, or at the final hearing thereof, or afterwards, make such order or decree in regard to the support, care, custody, education and control of the children of the marriage as may be just and in accordance with the natural rights of the parents and the best interests of the children. Such order or decree may be modified or revoked at any time thereafter as the natural rights of the parties and the best interests of the children may require.

TITLE 5. SUPPORT OF CHILDREN

4700. (a) In any proceeding where there is at issue the support of a minor child, the court may order either or both parents to pay any amount necessary for the support, maintenance, and education of the child. Upon a showing of good cause, the court may order the parent or parents required to make such payment of support to give reasonable security therefor. Any order for child support may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or order to show cause to modify or revoke. The order of modification or revocation shall be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke.

(b) When a court orders a person to make specified payments for support of a child during the child's minority, or until such child is married or otherwise emancipated, the liability of such person terminates upon the happening of such contingency. If the custodial parent or other person having physical custody of the child, to whom payments are to be made, fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency, and continues to accept support payments, such person must refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments must first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the custodial parent or other person to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(c) In the event obligations for support of a child are discharged in bankruptcy, the court may make all proper orders for the support, maintenance and education of such child, as the court may deem just.

4701. In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order shall constitute the assignment and be binding upon an employer upon the service of a copy of such order upon such employer and until further order of the court. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to such order. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

4702. (a) In any proceeding where a court makes or has made an order requiring payment of child support to a parent receiving welfare moneys for the maintenance of minor children, the court shall direct that payments of support be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and shall direct the district attorney to appear on behalf of such welfare recipient in any proceeding to enforce such order.

(b) In any proceeding where a court makes or has made an order requiring payment of child support to a former spouse having custody of any minor children of the marriage, the court may direct that payments thereof be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose, and may direct the district attorney to appear on behalf of such minor children in any action to enforce such order. The court shall include in its order any service charge imposed under the authority of Section 580.5 of the Welfare and Institutions Code.

(c) Expenses of the county clerk, probation officer, or other officer of the court or county officer designated by the court, and expenses of the district attorney incurred in the enforcement of any order of the type described in subdivision (a) or (b), shall be a charge upon the county where the proceedings are pending. Any fees for service of process in the enforcement of any such order shall be a charge upon the county where the process is served.

4703. When a parent has the duty to provide for the support, maintenance, or education of his child and willfully fails to so provide, either parent, or the child by his guardian

ad litem, may bring an action in the superior court against the errant parent for the support, maintenance, or education of the child.

TITLE 6. PROPERTY RIGHTS OF THE PARTIES

4800. The court shall, either (a) in its interlocutory judgment decreeing the dissolution of the marriage or in its judgment decreeing the legal separation of the parties, or (b) at a later time, if the division of property is in issue and it expressly reserves jurisdiction to make such a property division, divide the community property and the quasi-community property of the parties equally. The equal division provisions of this section shall not prevent the court:

(1) Where economic circumstances warrant, from awarding any asset to one party on such conditions as the court deems proper to effect a substantially equal division of the property;

(2) By way of an additional award or offset against existing property from awarding from a party's share any sum the court determines to have been deliberately misappropriated by such party to the exclusion of the community property or quasi-community property interest of the other party.

Community property personal injury damages shall be assigned to the party who suffered the injuries unless the court, after taking into account the economic condition and needs of each party, the time that has elapsed since the recovery of the damages, and all other facts of the case, determines that the interests of justice require another disposition, in which case the community property personal injury damages shall be assigned to the respective parties in such proportions as the court determines to be just under the facts of the case. As used in this section, "community property personal injury damages" means all money or other property received by a married person as community property in satisfaction of a judgment for damages for his or her personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages, unless such money or other property has been commingled with other community property.

4801. (a) In any judgment decreeing the dissolution of a marriage or a legal separation of the parties, the court may order a party to pay for the support of the other party any amount, and for such period of time, as the court may deem just and reasonable having regard for the circumstances of the respective parties, including the duration of the marriage, and the ability of the supported spouse to engage in gainful employment without interfering with the interests of the children of the parties in the custody of such spouse. The court may order the party required to make such payment of support to give reasonable security therefor. Any order for support of the other party may be modified or revoked as the court may deem necessary, except as to any amount that may have accrued prior to the date of the filing of the notice of motion or

order to show cause to modify or revoke. The order of modification or revocation may be made retroactive to the date of filing of the notice of motion or order to show cause to modify or revoke.

(b) Except as otherwise agreed by the parties in writing, the obligation of any party under any order or judgment 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.

(c) 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 filing of the petition.

(d) When a court orders a person to make specified payments for support of the other party for a contingent period of time, the liability of such person terminates upon the happening of such contingency. If the party to whom payments are to be made fails to notify the person ordered to make such payments, or the attorney of record of such person, of the happening of such contingency and continues to accept support payments, such party shall refund any and all moneys received which accrued after the happening of such contingency, except that such overpayments shall first be applied to any and all support payments which are then in default. The court may, in the original order for support, order the party to whom payments are to be made to notify the person ordered to make such payments, or his attorney of record, of the happening of such contingency.

(e) An order for payment of an allowance for the support of one of the parties shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

4802. Except as provided in Section 4811 or subdivision (b) of Section 4801, a husband and wife cannot, by any contract with each other, alter their legal relations, except as to property, and except that they may agree, in writing, to an immediate separation, and may make provision for the support of either of them and of their children during such separation or upon the dissolution of their marriage. The mutual consent of the parties is a sufficient consideration for such an agreement.

4803. As used in this part, "quasi-community property" means all personal property wherever situated and all real property situated in this state heretofore or hereafter acquired as follows:

(a) By either spouse while domiciled elsewhere which would have been community property had the spouse acquir-

ing the property been domiciled in this state at the time of its acquisition.

(b) In exchange for real or personal property, wherever situated, acquired other than by gift, devise, bequest or descent by either spouse during the marriage while domiciled elsewhere.

For the purposes of this section, personal property does not include and real property does include leasehold interests in real property.

4804. As used in this title and Section 5132, "separate property" does not include quasi-community property.

4805. In the enforcement of any decree, judgment or order rendered pursuant to the provisions of this part, the court must resort:

(a) To the community property; then,

(b) To the quasi-community property; then,

(c) To the separate property of the party required to make such payments.

4806. When either party in a proceeding under this part has either a separate estate, or is earning his or her own livelihood, or there is community property or quasi-community property sufficient to give him or her proper support, or if the custody of the children has been awarded to the other party, who is supporting them, the court may withhold any allowance to him out of the separate property of the other party. Where there are no children, and either party has a separate estate sufficient for his or her proper support, no allowance shall be made from the separate estate of the other party.

4807. The community property, the quasi-community property and the separate property may be subjected to the support, maintenance, and education of the children in such proportions as the court deems just.

4808. In any judgment decreeing the dissolution of the marriage or the legal separation of the parties, the court shall assign the homestead as follows:

(a) If a homestead has been selected from the community property or the quasi-community property, it may be assigned either absolutely or for a limited period to either party, subject, in the latter case, to the future disposition of the court, or it may, in the discretion of the court, be divided, or be sold and the proceeds divided.

(b) If the homestead has been selected from the separate property of either, it shall be assigned to the former owner of such property, subject to the power of the court to assign it to the other party for a limited period not to exceed the life of such party.

(c) This section shall not limit the power of the court to make temporary assignment of the homestead at any stage of the proceedings.

(d) Whenever necessary to carry out the purpose of this section, the court may order a partition or sale of the property and a division or other disposition of the proceeds.

4809. After the entry of a final judgment decreeing the dissolution of the marriage or the legal separation of the parties, or after a declaration of void or voidable marriage, or after a permanent order in any other proceeding in which there was at issue the custody, support, maintenance, or education of a minor child, no modification of such judgment, order, or decree, and no subsequent order in such proceedings shall be valid unless any prior notice otherwise required to be given to a party to the proceeding be served, in such manner as such notice is otherwise permitted by law to be served, upon the party himself. For such purpose, service upon the attorney of record shall not be sufficient.

4810. The disposition of the community property, of the quasi-community property and of the homestead, as above provided, is subject to revision on appeal in all particulars, including those which are stated to be in the discretion of the court.

4811. (a) The provisions of any agreement between the parties 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 date of filing of the notice of motion or order to show cause to modify or revoke

(b) 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 date of filing of the notice of motion or order to show cause to modify or revoke, 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.

(c) This section shall be effective only with respect to property settlement agreements entered into after the effective date of this section, and shall not be deemed to affect agreements entered into prior thereto, as to which the provisions of Chapter 1308 of the Statutes of 1967 shall apply.

4812. In the event obligations for support of a spouse are discharged in bankruptcy, the court may make all proper orders for the support of such spouse, as the court may deem just, having regard for the circumstances of the respective parties.

TITLE 7. UNIFORM DIVORCE RECOGNITION ACT

5000. This title may be cited as the Uniform Divorce Recognition Act.

5001. A divorce obtained in another jurisdiction shall be of no force or effect in this state, if both parties to the marriage were domiciled in this state at the time the proceeding for the divorce was commenced.

5002. Proof that a person hereafter obtaining a divorce from the bonds of matrimony in another jurisdiction was (a) domiciled in this state within 12 months prior to the commencement of the proceeding therefor, and resumed residence in this state within 18 months after the date of his departure therefrom, or (b) at all times after his departure from this state and until his return maintained a place of residence within this state, shall be prima facie evidence that the person was domiciled in this state, when the divorce proceeding was commenced.

5003. This title shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

5004. The application of this title is limited by the requirement of the Constitution of the United States that full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.

TITLE 8. HUSBAND AND WIFE

5100. Husband and wife contract toward each other obligations of mutual respect, fidelity, and support.

5101. The husband is the head of the family. He may choose any reasonable place or mode of living, and the wife must conform thereto.

5102. Neither husband nor wife has any interest in the property of the other, but neither can be excluded from the other's dwelling except as provided in Section 4518 or, in proceedings under Chapter 1 (commencing with Section 4400) or Chapter 2 (commencing with Section 4425) of Title 2 of this part, or under Chapter 1 (commencing with Section 4500) of Title 3 of this part, upon application of either party in the manner provided by Section 527 of the Code of Civil Procedure, the court may order the temporary exclusion of either party from the family dwelling or from the dwelling of the other upon a showing that harm would otherwise result, until the final determination of the proceeding.

5103. Either husband or wife may enter into any engagement or transaction with the other, or with any other person, respecting property, which either might if unmarried; subject, in transactions between themselves, to the general rules which control the actions of persons occupying confidential relations with each other, as defined by Title 8 (commencing with Section 2215) of Part 4 of Division 3.

5104. A husband and wife may hold property as joint tenants, tenants in common, or as community property.

5105. The respective interests of the husband and wife in community property during continuance of the marriage relation are present, existing and equal interests under the management and control of the husband as is provided in Sections 5125 and 5127. This section shall be construed as defining the respective interests and rights of husband and wife in community property.

5106. Notwithstanding the provisions of Sections 5105 and 5125, whenever payment or refund is made to an employee, former employee or his beneficiary or estate pursuant to a written retirement, death or other employee benefit plan or savings plan, such payment or refund shall fully discharge the employer and any trustee or insurance company making such payment or refund from all adverse claims thereto unless, before such payment or refund is made, the employer or former employer, where the payment is made by the employer or former employer, has received at its principal place of business within this state, written notice by or on behalf of some other person that such other person claims to be entitled to such payment or refund or some part thereof or where a trustee or insurance company is making the payment, such notice has been delivered by the employer to the home office of such trustee or such insurance company or has otherwise been received thereby. Nothing contained in this section shall affect any claim or right to any such payment or refund or part thereof as between all persons other than the employer and the trustee or insurance company making such payment or refund.

5107. All property of the wife, owned by her before marriage, and that acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof, is her separate property. The wife may, without the consent of her husband, convey her separate property.

5108. All property owned by the husband before marriage, and that acquired afterwards by gift, bequest, devise, or descent, with the rents, issues, and profits thereof, is his separate property. The husband may, without the consent of his wife, convey his separate property.

5109. All money or other property paid by or on behalf of a married person to his spouse in satisfaction of a judgment for damages for personal injuries to the spouse or pursuant to an agreement for the settlement or compromise of a claim

for such damages is the separate property of the injured spouse.

5110. All other real property situated in this state and all other personal property wherever situated acquired during the marriage by a married person while domiciled in this state is community property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife and that when a single family residence of a husband and wife is acquired by them during marriage as joint tenants, for the purpose of the division of such property upon dissolution of marriage or legal separation only, the presumption is that such single family residence is the community property of said husband and wife. The presumptions in this section mentioned are conclusive in favor of any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that the real property was community property, or to recover the real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

As used in this section, personal property does not include and real property does include leasehold interests in real property.

5111. The presumption that property acquired during marriage is community property does not apply to any property to which legal or equitable title is held by a person at the time of his death if the marriage during which the property was acquired was terminated by dissolution of marriage more than four years prior to such death.

5112. If a married person is injured by the negligent or wrongful act or omission of a person other than his spouse, the fact that the negligent or wrongful act or omission of the spouse of the injured person was a concurring cause of the injury is not a defense in any action brought by the injured person to recover damages for such injury except in

cases where such concurring negligent or wrongful act or omission would be a defense if the marriage did not exist.

5113. (a) Where an injury to a married person is caused in whole or in part by the negligent or wrongful act or omission of his spouse, the community property may not be used to discharge the liability of the tortfeasor spouse to the injured spouse or his liability to make contribution to any joint tortfeasor until the separate property of the tortfeasor spouse, not exempt from execution, is exhausted.

(b) This section does not prevent the use of community property to discharge a liability referred to in subdivision (a) if the injured spouse gives written consent thereto after the occurrence of the injury.

(c) This section does not affect the right to indemnity provided by any insurance or other contract to discharge the tortfeasor spouse's liability, whether or not the consideration given for such contract consisted of community property.

5114. A full and complete inventory of the separate personal property of either spouse may be made out and signed by such spouse, acknowledged or proved in the manner required by law for the acknowledgment or proof of a grant of real property, and recorded in the office of the recorder of the county in which the parties reside.

5115. The filing of the inventory in the recorder's office is notice and prima facie evidence of the title of the party filing such inventory.

5116. The property of the community is not liable for the contracts of the wife, made after marriage, unless secured by pledge or mortgage thereof executed by the husband. Except as otherwise provided by law, the earnings of the wife are liable for her contracts heretofore or hereafter made before or after marriage.

5117. The earnings and community property personal injury damages of the wife are not liable for the debts of the husband; but, except as otherwise provided by law, such earnings and damages shall be liable for the payment of debts, heretofore or hereafter contracted by the husband or wife for the necessities of life furnished to them or either of them while they are living together. As used in this section, "community property personal injury damages" has the meaning given that term by subdivision (b) of Section 4800.

5118. The earnings and accumulations of the wife, and of her minor children living with her or in her custody, while she is living separate from her husband, are the separate property of the wife.

5119. (a) After the rendition of a judgment decreeing legal separation of the parties, the earnings or accumulations of each party are the separate property of the party acquiring such earnings or accumulations.

(b) After the rendition of an interlocutory judgment of dissolution of a marriage and while the parties are living

separate and apart, the earnings and accumulations of the husband are the separate property of the husband.

5120. Neither the separate property of the husband nor his earnings after marriage is liable for the debts of the wife contracted before the marriage.

5121. The separate property of the wife is liable for her own debts contracted before or after her marriage, but is not liable for her husband's debts; provided, that the separate property of the wife is liable for the payment of debts contracted by the husband or wife for the necessaries of life furnished to them or either of them while they are living together; provided, that the provisions of the foregoing proviso shall not apply to the separate property of the wife held by her at the time of her marriage or acquired by her by devise, succession, or gift, other than by gift from the husband, after marriage.

5122. (a) A married person is not liable for any injury or damage caused by the other spouse except in cases where he would be liable therefor if the marriage did not exist.

(b) The liability of a married person for death or injury to person or property may be satisfied only from the separate property of such married person and the community property of which he has the management and control.

5123. The separate property of the wife is not liable for any debt or obligation secured by a mortgage, deed of trust or other hypothecation of the community property, unless the wife expressly assents in writing to the liability of her separate property for such debt or obligation.

5124. Notwithstanding the provisions of Sections 5105 and 5125, the wife has the management and control of the community personal property earned by her, and the community personal property received by her in satisfaction of a judgment for damages for personal injuries suffered by her or pursuant to an agreement for the settlement or compromise of a claim for such damages, until it is commingled with community property subject to the management and control of the husband, except that the husband may use such community property received as damages or in settlement or compromise of a claim for such damages to pay for expenses incurred by reason of the wife's personal injuries and to reimburse his separate property or the community property subject to his management and control for expenses paid by reason of the wife's personal injuries.

The wife may not make a gift of the community property under her management and control, or dispose of the same without a valuable consideration, without the written consent of the husband. The wife may not make a testamentary disposition of such community property except as otherwise permitted by law.

This section shall not be construed as making such earnings or damages or property received in settlement or compromise

of such damages the separate property of the wife, nor as changing the respective interests of the husband and wife in such community property, as defined in Section 5105.

5125. Except as provided in Section 5128, the husband has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the wife or minor children that is community, without the written consent of the wife.

5126. (a) All money or other property received by a married person in satisfaction of a judgment for damages for his personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages is the separate property of the injured person if such money or other property is received as follows:

(1) After the rendition of a decree of legal separation or interlocutory judgment of dissolution of a marriage.

(2) While the wife, if she is the injured person, is living separate from her husband.

(3) After the rendition of an interlocutory decree of judgment of dissolution of a marriage and while the injured person and his spouse are living separate and apart.

(b) Notwithstanding subdivision (a), if the spouse of the injured person has paid expenses by reason of his spouse's personal injuries from his separate property or from the community property subject to his management and control, he is entitled to reimbursement of his separate property or the community property subject to his management and control for such expenses from the separate property received by his spouse under subdivision (a).

5127. Except as provided in Section 5128, the husband has the management and control of the community real property, but the wife, either personally or by duly authorized agent, must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided, also, however, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser or encumbrancer, in good faith without knowledge of the marriage relation shall be presumed to be valid. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, executed by the husband alone, shall be commenced after

the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

5128. Where one or both of the spouses are incompetent, the procedure for dealing with and disposing of community property is that prescribed in Chapter 2a (commencing with Section 1435.1) of Division 4 of the Probate Code.

5129. No estate is allowed the husband as tenant by courtesy upon the death of his wife, nor is any estate in dower allotted to the wife upon the death of her husband.

5130. If the husband neglects to make adequate provision for the support of his wife, except in the case mentioned in Section 5131, any other person may in good faith, supply her with articles necessary for her support, and recover the reasonable value thereof from the husband.

5131. A husband is not liable for his wife's support when she is living separate from him by agreement unless such support is stipulated in the agreement.

5132. The wife must support the husband while they are living together out of her separate property when he has no separate property, and there is no community property or quasi-community property and he is unable, from infirmity, to support himself.

For the purposes of this section, the terms "quasi-community property" and "separate property" have the meanings given those terms by Sections 4803 and 4804.

5133. The property rights of husband and wife are governed by this title, unless there is a marriage settlement containing stipulations contrary thereto.

5134. All contracts for marriage settlements must be in writing, and executed and acknowledged or proved in like manner as a grant of land is required to be executed and acknowledged or proved.

5135. When such contract is acknowledged or proved, it must be recorded in the office of the recorder of every county in which any real estate may be situated which is granted or affected by such contract.

5136. The recording or nonrecording of such contract has a like effect as the recording or nonrecording of a grant of real property.

5137. A minor capable of contracting marriage may make a valid marriage settlement.

5138. For the purpose of application of the laws of succession set forth in the Probate Code to a decedent who died prior to September 11, 1958, an alliance, which by custom of

the Indian tribe, band, or group of which the parties to the alliance, or either of them, are members is commonly recognized in such tribe, band, or group as marriage, is deemed a valid marriage under the laws of this state. In the case of such marriages and for such purpose a separation, which by custom of the Indian tribe, band, or group of which the separating parties, or either of them, are members is commonly recognized in such tribe, band, or group as a dissolution of marriage, is deemed a valid dissolution of marriage under the laws of this state.

This section shall be effective and shall apply only to the extent that such marriages or separations would affect succession to property subject to the laws of this state.

SEC. 9. Section 125 of the Code of Civil Procedure is repealed.

SEC. 10. Section 285.1 of the Code of Civil Procedure is amended to read:

285.1. An attorney of record for any party in any civil action or proceeding for dissolution of marriage, legal separation, or for a declaration of void or voidable marriage, or for the support, maintenance or custody of minor children may withdraw at any time subsequent to the time when any judgment in such action or proceeding, other than an interlocutory judgment, becomes final, and prior to service upon him of pleadings or motion papers in any proceeding then pending in said cause, by filing a notice of withdrawal. Such notice shall state (a) date of entry of final decree or judgment, (b) the last known address of such party, (c) that such attorney withdraws as attorney for such party. A copy of such notice shall be mailed to such party at his last known address and shall be served upon the adverse party.

SEC. 11. Section 395 of the Code of Civil Procedure is amended to read:

395. (1) In all other cases, except as in this section otherwise provided, and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants, or some of them, reside at the commencement of the action, is the proper county for the trial of the action. If the action be for injury to person, or to personal property, or for death from wrongful act, or negligence, either the county where the injury occurs, or where the injury causing death occurs, or the county in which the defendants, or some of them, reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the plaintiff has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. When a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed, or in which the contract in fact was entered into, or the county in which

the defendant, or any such defendant, resides at the commencement of the action, shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state, or, if residing in the state, and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside, or where service is had. If any person is improperly joined as a defendant, or has been made a defendant solely for the purpose of having the action tried in the county, city and county, or judicial district where he resides, his residence must not be considered in determining the proper place for the trial of the action.

(2) The proper court for the trial of any such action in the county hereinabove designated as the proper county, shall be determined as follows:

If there is a municipal or justice court, having jurisdiction of the subject matter of the action, established in the city and county or judicial district, in which the defendant, or any defendant, so resides, or in which the injury to person or to personal property, or the injury causing death, occurs, or, in the cases hereinabove mentioned, in which the obligation was contracted to be performed, such court is a proper court for the trial of such action; otherwise any court in such county, having jurisdiction of the subject matter of the action, is a proper court for the trial thereof.

SEC. 12. Section 396b of the Code of Civil Procedure is amended to read:

396b. Except as otherwise provided in Section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof, other than the court designated as the proper court for the trial thereof, under the provisions of this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he answers or demurs, files with the clerk, or with the judge if there be no clerk, an affidavit of merits and notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of such papers. Upon the hearing of such motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the same transferred to the proper court; provided, however, that the court in a proceeding for dissolution of marriage or legal separation, may, prior to the determination of such motion, consider and determine motions for allowance of temporary alimony, support of children, counsel fees and costs, and make

all necessary and proper orders in connection therewith; provided further, that in any case, if an answer be filed, the court may consider opposition to the motions, if any, and may retain the proceeding in the county where commenced if it appears that the convenience of the witnesses or the ends of justice will thereby be promoted.

SEC. 13. Section 397 of the Code of Civil Procedure is amended to read:

397. The court may, on motion, change the place of trial in the following cases:

1. When the court designated in the complaint is not the proper court.

2. When there is reason to believe that an impartial trial cannot be had therein.

3. When the convenience of witnesses and the ends of justice would be promoted by the change.

4. When from any cause there is no judge of the court qualified to act.

5. When a proceeding for dissolution of marriage has been filed in the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding, and the respondent at the time of the commencement of the proceeding is a resident of another county in this state, to the county of the respondent's residence when the ends of justice would be promoted by the change. If a motion to change the place of trial is made pursuant to this paragraph, the court may, prior to the determination of such motion, consider and determine motions for allowance of temporary support of the other party and of any children of the marriage, temporary restraining orders, attorneys' fees, and costs, and make all necessary and proper orders in connection therewith.

SEC. 14. Section 426a of the Code of Civil Procedure is amended to read:

426a. In a proceeding for dissolution of marriage, legal separation, or for a declaration of void or voidable marriage, there shall be furnished to the county clerk by the petitioner at the time of filing of the petition, or within 10 days thereafter and before the date of the first hearing, that information, required to be collected by the State Registrar of Vital Statistics, in the manner specified under Chapter 6.5 (commencing with Section 10360) of Division 9 of the Health and Safety Code. The clerk shall accept the petition for filing, whether or not said information is then furnished. At any time after the filing of the petition, the respondent may also furnish such information, whether or not it has been first furnished by the petitioner. The clerk shall take all ministerial steps required of him in the proceeding, whether or not such information has been furnished; but the clerk shall advise the court, at the time set for any hearing, if at such time no

party has furnished such information. In such cases, the court may decline to hear any matter encompassed within the proceeding if good cause for such failure to furnish information has not been shown.

The court's inquiry in such cases shall be confined solely to the question of the existence of good cause for not furnishing the information; and such report and the contents thereof shall not be admissible in evidence and shall not be furnished to the court.

SEC. 15. Section 426b of the Code of Civil Procedure is repealed.

SEC. 16. Section 426c of the Code of Civil Procedure is amended to read:

426c. In a proceeding for dissolution of marriage the petition must set forth among other matters as near as can be ascertained the following facts:

(1) The state or country in which the parties were married.

(2) The date of marriage.

(3) The date of separation.

(4) The number of years from marriage to separation.

(5) The number of children of the marriage, if any, and if none a statement of that fact.

(6) The age and birth date of each minor child of the marriage.

(7) The social security numbers of the husband and wife, if available, and if not available, a statement to such effect.

SEC. 18. Section 1019 of the Code of Civil Procedure is repealed.

SEC. 19. Section 1761 of the Code of Civil Procedure is amended to read:

1761. Prior to the filing of any proceeding for dissolution of marriage, legal separation, or judgment of nullity of a voidable marriage, either spouse, or both spouses, may file in the conciliation court a petition invoking the jurisdiction of the court for the purpose of preserving the marriage by effecting a reconciliation between the parties, or for amicable settlement of the controversy between the spouses, so as to avoid further litigation over the issue involved.

SEC. 20. Section 1769 of the Code of Civil Procedure is amended to read:

1769. (a) At or after hearing, the court may make such orders in respect to the conduct of the spouses and the subject matter of the controversy as the court deems necessary to preserve the marriage or to implement the reconciliation of the spouses, but in no event shall such orders be effective for more than 30 days from the hearing of the petition, unless the parties mutually consent to a continuation of such time.

(b) Any reconciliation agreement between the parties may be reduced to writing and, with the consent of the parties, a court order may be made requiring the parties to comply fully therewith.

(c) During the pendency of any proceeding under this chapter, the superior court may order the husband or wife, or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance, and education of the children, as the case may be. An order made pursuant to this subdivision shall not prejudice the rights of the parties or children with respect to any subsequent order which may be made. Any such order may be modified or revoked at any time except as to any amount that may have accrued prior to the date of filing of the notice of motion or order to show cause to modify or revoke.

SEC. 21. Section 1770 of the Code of Civil Procedure is amended to read:

1770. During a period beginning upon the filing of the petition for conciliation and continuing until 30 days after the hearing of the petition for conciliation, neither spouse shall file any petition for dissolution of marriage, legal separation, or judgment of nullity of a voidable marriage.

If, however, after the expiration of such period, the controversy between the spouses has not been terminated, either spouse may institute proceedings for dissolution of marriage, legal separation, or judgment of a nullity of a voidable marriage. The pendency of a proceeding for dissolution of marriage, legal separation, or declaration of nullity shall not operate as a bar to the instituting of proceedings for conciliation under this chapter.

SEC. 22. Section 1771 of the Code of Civil Procedure is amended to read:

1771. Whenever any petition for dissolution of marriage, legal separation, or declaration of nullity of a voidable marriage is filed in the superior court, and it appears to the court at any time during the pendency of the proceeding that there is any minor child of the spouses or of either of them whose welfare may be adversely affected by the dissolution of the marriage or the disruption of the household, and that there appears to be some reasonable possibility of a reconciliation being effected, the case may be transferred to the conciliation court for proceedings for reconciliation of the spouses or amicable settlement of issues in controversy, in accordance with the provisions of this chapter.

SEC. 23. Section 1772 of the Code of Civil Procedure is amended to read:

1772. Whenever application is made to the conciliation court for conciliation proceedings in respect to a controversy between spouses, or a contested proceeding for dissolution of marriage, legal separation, or judgment of nullity of a voidable marriage, but there is no minor child whose welfare may be affected by the results of the controversy, and it appears to the court that reconciliation of the spouses or amicable adjustment of the controversy can probably be achieved, and that

the work of the court in cases involving children will not be seriously impeded by acceptance of the case, the court may accept and dispose of the case in the same manner as similar cases involving the welfare of children are disposed of. In the event of such application and acceptance, the court shall have the same jurisdiction over the controversy and the parties thereto or having any relation thereto that it has under this chapter in similar cases involving the welfare of children.

SEC. 24. Section 26859 of the Government Code is amended to read:

26859. The fee for the filing of the vital statistics information required to be collected under Chapter 6.5 (commencing with Section 10360) of Division 9 of the Health and Safety Code is two dollars ($2), and shall be paid at the time of filing of each petition for a dissolution of marriage, judgment of nullity, or legal separation. In any action for divorce, annulment or separate maintenance, in which the complaint was filed before January 1, 1966, and which has not resulted in final judgment before such date, the filing fee of two dollars ($2) shall be paid before final judgment is entered.

The county clerk by the 10th day of each month shall pay to the State Registrar of Vital Statistics one-half of all such fees collected during the immediately preceding month. The State Registrar of Vital Statistics shall transmit such sums to the State Treasurer for deposit in the General Fund.

SEC. 25. Section 10360 of the Health and Safety Code is amended to read:

10360. The following reports shall be filed with the State Registrar upon forms prescribed and furnished by the State Registrar and in the manner prescribed under this division.

(1) A preliminary report when filing a petition in a proceeding for dissolution of marriage, declaration of void or voidable marriage, or legal separation.

(2) Certificate of registry of judgments decreeing the dissolution of marriage or legal separation, decrees of declaration of void or voidable marriage, or a dismissal.

SEC. 26. Section 10361 of the Health and Safety Code is amended to read:

10361. (a) The information required to be filed under this chapter in proceedings for dissolution of marriage, judgment of nullity, or legal separation shall not be open to public inspection in the offices of the State Registrar or the county clerk. Nothing in this section shall be construed to preclude qualified persons with a valid educational or scientific research interest from having access to the records and the information included thereon, upon approval of the office of the State Registrar of Vital Statistics and without substantial cost to the state or local offices concerned.

(b) All information and reports required to be filed and prepared under the authority of this division shall be made available to any duly constituted legislative committee of the State Legislature upon the request of such committee.

(c) No person who obtains access to any information required to be furnished by this chapter shall disclose any such information in any manner which would permit identification of any party in any greater detail than authorized for public distribution by the State Registrar under Section 10362.

SEC. 27. Section 10362 of the Health and Safety Code is amended to read:

10362. In addition to the general requirements of this division, the State Registrar shall conduct and cooperate in conducting such research and study and prepare and publish such reports and information as are necessary to appropriately report the facts which are required to be furnished under authority of this chapter relative to the subject of proceedings for dissolution of marriage, judgment of nullity, or legal separation.

SEC. 28. Section 10363 of the Health and Safety Code is amended to read:

10363. It shall be the duty of the petitioner in any such proceeding to furnish the required information in the prescribed manner to the county clerk at the time of filing his petition, or within 10 days thereafter and before the date of the first hearing.

SEC. 29. Section 10364 of the Health and Safety Code is amended to read:

10364. The preliminary report shall contain insofar as can be determined and ascertained the following information:

(a) Type of petition, county in which the proceeding is filed, case number and date filed.

(b) For husband and wife—full name (maiden name of wife), date of birth, present address, length of stay in California, birthplace, occupation, highest school grade completed, color or race, religious denomination, number of previous marriages and how dissolved.

(c) Place and date of marriage.

(d) Names, birthplaces and dates of birth of living children (born or adopted) of this marriage.

(e) Place and date of separation.

(f) Certification of above facts by petitioner.

(g) Name and address of attorney for petitioner.

(h) Certification of the county clerk.

SEC. 30. Section 10365 of the Health and Safety Code is repealed.

SEC. 31. Section 10366 of the Health and Safety Code is amended to read:

10366. The record of the clerk of the court and the certificate of registry of the judgment decreeing the dissolution of the marriage or legal separation of the parties, or the decree of declaration of nullity, or dismissal shall include, in addition to information specified in Section 10364, the type of judgment or decree, the date it was entered, and the date of entry of the interlocutory decree, if any.

SEC. 32. Section 10368 of the Health and Safety Code is amended to read:

10368. The county clerk shall transmit to the State Registrar on or before the fifth day of each month the preliminary reports of petitions for dissolution of marriage or legal separation, and petitions for declaration of void or voidable marriage, accepted for filing by him during the previous month.

SEC. 33. Section 10369 of the Health and Safety Code is amended to read:

10369. The county clerk shall transmit to the State Registrar on or before the fifth day of each month the certificates of registry of judgments decreeing dissolution of marriage or legal separation, judgments of nullity, and judgments of dismissal in all such proceedings entered by him the previous month.

SEC. 34. Section 10370 of the Health and Safety Code is repealed.

SEC. 35. Section 10371 of the Health and Safety Code is amended to read:

10371. Where a final decree of dissolution of marriage or a judgment of nullity is vacated, the county clerk shall complete a report to this effect to the State Registrar, who shall file such report with the final decree dissolving the marriage or the decree of nullity or void marriage.

SEC. 36. Section 740.1 of the Welfare and Institutions Code is repealed.

SEC. 37. This act shall become operative on January 1, 1970, and shall apply to all actions and proceedings filed prior thereto with respect to issues on which an interlocutory judgment has not been entered or denied in the action, or, if the action is not one in which an interlocutory judgment may be entered, with respect to issues on which a judgment has not been entered, to all proceedings for modification of a judgment or order, and to all actions and proceedings filed on or after January 1, 1970. In any action or proceeding in which an interlocutory judgment or any other judgment has been entered or a new trial has been granted prior to the operative date of this act, the law in effect at the time of entry of such judgment or order granting a new trial shall govern any subsequent trial or appeal. Pending actions for dissolution of marriage or legal separation based on grounds other than incurable insanity shall be deemed to be on the ground of irreconcilable differences and the evidence adduced after the operative date of this act shall be in compliance with this act.

CHAPTER 1609

An act to amend Sections 172, 172a, and 182 of, to amend Sections 4425, 4450, 4454, 4500, 4502, 4503, 4505, 4509, 4511, 4514, 4517, 4519, 4526, 4602, 4701, 5102, 5125, 5127, and

5138, as enacted by Senate Bill No. 252 of the 1969 Regular Session, of, to add Sections 164.8, 4429, and 5113.5 to, and to repeal Section 149 of, the Civil Code, to amend Section 396b of the Code of Civil Procedure, and to amend Section 37 of Senate Bill No. 252 of the 1969 Regular Session, relating to domestic relations.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 149 of the Civil Code is repealed.

SEC. 2. Section 164.8 is added to the Civil Code, to read:

164.8. Where community property, before or after the effective date of this section, is transferred by the husband and wife to a trust, regardless of the identity of the trustee, which trust originally or as amended prior or subsequent to such transfer (a) is revocable in whole or in part during their joint lives, (b) provides that the property after transfer to the trust and any withdrawal therefrom shall be and remain their community property, (c) grants the trustee during their joint lives powers no more extensive than those possessed by a husband under Section 172, except as to property described in Section 171c respecting which the trustee's powers shall be no more extensive than those possessed by a wife under Section 171c, and (d) is subject to amendment or alteration during their joint lifetime upon their joint consent, the respective interest of each spouse in such trust shall be community property, unless the trust otherwise expressly provides. Nothing in this section shall be deemed to affect community property which, before or after the effective date of this section, is transferred in a manner other than as described in this section or to a trust containing different provisions than those set forth in this section; nor shall this section be construed to prohibit the trustee from conveying any trust property, real or personal, in accordance with the provisions of the trust without the consent of the husband or wife unless the trust expressly requires the consent of one or both spouses.

SEC. 3. Section 172 of the Civil Code is amended to read:

172. Except as provided in Sections 164.8, 171c, and 172b, the husband has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the wife or minor children that is community, without the written consent of the wife.

SEC. 4. Section 172a of the Civil Code is amended to read:

172a. Except as provided in Sections 164.8 and 172b, the husband has the management and control of the community real property, but the wife, either personally or by duly authorized agent, must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided, also, however, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser or encumbrancer, in good faith without knowledge of the marriage relation shall be presumed to be valid. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, executed by the husband alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

SEC. 5. Section 182 of the Civil Code is amended to read:

182. For the purpose of application of the laws of succession set forth in the Probate Code to a decedent, and for the purpose of determining the validity of a marriage under the laws of this state, an alliance entered into prior to 1958, which, by custom of the Indian tribe, band, or group of which the parties to the alliance, or either of them, are members, is commonly recognized in such tribe, band, or group as marriage, is deemed a valid marriage under the laws of this state. In the case of such marriages and for such purpose a separation, which, by custom of the Indian tribe, band, or group of which the separating parties, or either of them, are members, is commonly recognized in such tribe, band, or group as a dissolution of marriage, is deemed a valid divorce under the laws of this state.

SEC. 6. Section 4425 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4425. A marriage is voidable and may be adjudged a nullity if any of the following conditions existed at the time of the marriage:

(a) The party who commences the proceeding or on whose behalf the proceeding is commenced was without the capability of consenting thereto as provided in Section 4101, unless, after attaining the age of consent, such party for any time freely cohabited with the other as husband and wife.

(b) The husband or wife of either party was living and the marriage with such husband or wife was then in force, provided, however, that such husband or wife was absent and not known to the party commencing the proceeding to be living for a period of five successive years immediately preceding the subsequent marriage for which the judgment of nullity is sought, or was generally reputed or believed by such party to be dead at the time such subsequent marriage was contracted.

(c) Either party was of unsound mind, unless such party, after coming to reason, freely cohabited with the other as husband and wife.

(d) The consent of either party was obtained by fraud, unless such party afterwards, with full knowledge of the facts constituting the fraud, freely cohabited with the other as husband or wife.

(e) The consent of either party was obtained by force, unless such party afterwards freely cohabited with the other as husband or wife.

(f) Either party was, at the time of marriage, physically incapable of entering into the marriage state, and such incapacity continues, and appears to be incurable.

SEC. 7. Section 4429 is added to the Civil Code, to read:

4429. The effect of a judgment of nullity is to restore the parties to the status of unmarried persons.

SEC. 8. Section 4450 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4450. A proceeding based on void or voidable marriage shall be commenced by filing in the superior court a petition entitled "In re the marriage of _____ and _____" which shall state that it is a petition for a judgment of nullity of the marriage. A copy of the petition together with a copy of a summons in form and content approved by the Judicial Council shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

SEC. 9. Section 4454 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4454. In a proceeding under this title, custody of the children shall be determined according to Section 4600.

SEC. 10. Section 4500 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4500. Marriage is dissolved only by (1) the death of one of the parties, (2) the judgment of a court of competent jurisdiction decreeing a dissolution of the marriage, or (3) a judgment of nullity.

SEC. 11. Section 4502 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4502. In proceedings under this part, the superior court has jurisdiction to inquire into and render such judgments and make such orders as are appropriate concerning the status of the marriage, the custody and support of minor children of the marriage, the support of either party, the settlement of the property rights of the parties and the award of attorneys' fees and costs.

SEC. 12. Section 4503 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4503. A proceeding for dissolution of the marriage or for legal separation shall be commenced by filing in the superior court a petition entitled "In re the marriage of _____ and _____" which shall state whether it is a petition for the dissolution of the marriage or a legal separation. A copy of the petition together with a copy of a summons in form and content approved by the Judicial Council shall be served upon the other party to the marriage in the same manner as service of papers in civil actions generally.

SEC. 13. Section 4505 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4505. In those counties which have established a conciliation court, the petitioner shall complete and file a questionnaire approved by the Judicial Council, concurrently with the filing of the petition.

A blank copy of the questionnaire shall be served upon the respondent together with copies of the summons and petition. The respondent shall complete and file the questionnaire within the time in which a responsive pleading must be filed.

The questionnaire shall be confidential and may be used only by the court, counsel for the parties, or persons authorized by the court.

SEC. 14. Section 4509 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4509. In any pleadings or proceedings for legal separation or dissolution of marriage under this part, including depositions and discovery proceedings, evidence of specific acts of misconduct shall be improper and inadmissible, except where child custody is in issue and such evidence is relevant to that issue, or at the hearing where it is determined by the court to be necessary to establish the existence of irreconcilable differences.

SEC. 15. Section 4511 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4511. No decree of dissolution can be granted upon the default of one of the parties or upon any statement or finding of fact made by a referee; but the court must, in addition to any statement or finding of the referee, require proof of the

grounds alleged, and such proof, if not taken before the court, shall be by affidavit.

SEC. 16. Section 4514 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4514. When an interlocutory judgment has been entered pursuant to Section 4512 and six months have expired from the date of service of a copy of summons and petition or the date of appearance of the respondent, the court, on motion of either party or upon its own motion, may enter the final judgment dissolving the marriage, and such final judgment shall restore them to the status of single persons and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment or a motion for a new trial is made, final judgment shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

SEC. 17. Section 4517 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4517. In any proceeding under this part, 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 creditor shall have no right to enforce the order nor shall his rights be affected by such determination.

SEC. 18. Section 4519 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4519. The court may, when it considers it necessary in the interests of justice and the persons involved, direct the trial of any issue of fact joined in proceedings under this part to be private, and may exclude all persons except the officers of the court, the parties, their witnesses and counsel.

SEC. 19. Section 4526 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4526. When the court orders one of the parties to pay costs and attorneys' fees for the benefit of the other party, such costs and fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. An order of the court providing for payment of such costs and fees may be enforced directly by such attorney in his own name or by the party in whose behalf such order was

made, provided that if such attorney has ceased to be such, it shall be a condition of such enforcement, and must appear of record, that such attorney shall have given to his former client or successor counsel 10 days' written notice of his application for such enforcement, and during such period the client may file in such proceeding a motion directed to such former attorney for partial or total reallocation of fees and costs to cover the services and cost of successor counsel, in which event such proceeding shall be stayed until the court has resolved such motion.

SEC. 20. Section 4602 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4602. In any proceeding under this part, when so directed by the court, the probation officer or domestic relations investigator shall conduct a custody investigation and file a written confidential report thereon. The report may be considered by the court and shall be made available only to the parties or their attorneys at least 10 days before any hearing regarding the custody of a child. The report may be received in evidence upon stipulation of all interested parties.

SEC. 21. Section 4701 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

4701. In any proceeding where the court has ordered either or both parents to pay any amount for the support of a minor child, the court may order either parent or both parents to assign to the county clerk, probation officer, or other officer of the court or county officer designated by the court to receive such payment, that portion of salary or wages of either parent due or to be due in the future as will be sufficient to pay the amount ordered by the court for the support, maintenance and education of the minor child. Such order shall be binding upon an employer upon the service of a copy of such order upon such employer and until further order of the court. The employer may deduct the sum of one dollar ($1) for each payment made pursuant to such order. Any such order may be modified or revoked at any time by the court. Any such assignment made pursuant to court order shall have priority as against any attachment, execution, or other assignment, unless otherwise ordered by the court.

SEC. 22. Section 5102 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

5102. Neither husband nor wife has any interest in the property of the other, but neither can be excluded from the other's dwelling except as provided in Section 4518 or, in proceedings under Chapter 1 (commencing with Section 4400) or Chapter 2 (commencing with Section 4425) of Title 2 of this part, or under Chapter 1 (commencing with Section 4500) of Title 3 of this part, upon application of either party in the

manner provided by Section 527 of the Code of Civil Procedure, the court may order the temporary exclusion of either party from the family dwelling or from the dwelling of the other upon a showing that physical or emotional harm would otherwise result, until the final determination of the proceeding.

SEC. 23. Section 5113.5 is added to the Civil Code, to read:

5113.5. Where community property, before or after the effective date of this section, is transferred by the husband and wife to a trust, regardless of the identity of the trustee, which trust originally or as amended prior or subsequent to such transfer (a) is revocable in whole or in part during their joint lives, (b) provides that the property after transfer to the trust and any withdrawal therefrom shall be and remain their community property, (c) grants the trustee during their joint lives powers no more extensive than those possessed by a husband under Section 5125, except as to property described in Section 5124 respecting which the trustee's powers shall be no more extensive than those possessed by a wife under Section 5124 and (d) is subject to amendment or alteration during their joint lifetime upon their joint consent, the respective interest of each spouse in such trust shall be community property, unless the trust otherwise expressly provides. Nothing in this section shall be deemed to affect community property which, before or after the effective date of this section, is transferred in a manner other than as described in this section or to a trust containing different provisions than those set forth in this section; nor shall this section be construed to prohibit the trustee from conveying any trust property, real or personal, in accordance with the provisions of the trust without the consent of the husband or wife unless the trust expressly requires the consent of one or both spouses.

SEC. 24. Section 5125 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

5125. Except as provided in Sections 5113.5, 5124, and 5128, the husband has the management and control of the community personal property, with like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community personal property, or dispose of the same without a valuable consideration, or sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the wife or minor children that is community, without the written consent of the wife.

SEC. 25. Section 5127 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

5127. Except as provided in Sections 5113.5 and 5128, the husband has the management and control of the community real property, but the wife, either personally or by

duly authorized agent, must join with him in executing any instrument by which such community real property or any interest therein is leased for a longer period than one year, or is sold, conveyed, or encumbered; provided, however, that nothing herein contained shall be construed to apply to a lease, mortgage, conveyance, or transfer of real property or of any interest in real property between husband and wife; provided, also, however, that the sole lease, contract, mortgage or deed of the husband, holding the record title to community real property, to a lessee, purchaser, or encumbrancer, in good faith without knowledge of the marriage relation, shall be presumed to be valid. No action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, executed by the husband alone, shall be commenced after the expiration of one year from the filing for record of such instrument in the recorder's office in the county in which the land is situate, and no action to avoid any instrument mentioned in this section, affecting any property standing of record in the name of the husband alone, which was executed by the husband alone and filed for record prior to the time this act takes effect, in the recorder's office in the county in which the land is situate, shall be commenced after the expiration of one year from the date on which this act takes effect.

SEC. 26. Section 5138 of the Civil Code, as enacted by Senate Bill No. 252 of the 1969 Regular Session of the Legislature, is amended to read:

5138. For the purpose of application of the laws of succession set forth in the Probate Code to a decedent, and for the purpose of determining the validity of a marriage under the laws of this state, an alliance entered into prior to 1958, which, by custom of the Indian tribe, band, or group of which the parties to the alliance, or either of them, are members, is commonly recognized in such tribe, band, or group as marriage, is deemed a valid marriage under the laws of this state. In the case of such marriages and for such purpose a separation, which, by custom of the Indian tribe, band, or group of which the separating parties, or either of them, are members, is commonly recognized in such tribe, band, or group as a dissolution of marriage, is deemed a valid divorce under the laws of this state.

SEC. 27. Section 396b of the Code of Civil Procedure is amended to read:

396b. Except as otherwise provided in Section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof, other than the court designated as the proper court for the trial thereof, under the provisions of this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he answers or demurs, or, at his option, without answering or demurring and within the time otherwise limited to

plead, files with the clerk, or with the judge if there be no clerk, an affidavit of merits and notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of such papers. Upon the hearing of such motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the same transferred to the proper court; provided, however, that the court in an action for divorce or separate maintenance, may, prior to the determination of such motion, consider and determine motions for allowance of temporary alimony, support of children, counsel fees and costs, and make all necessary and proper orders in connection therewith; provided further, that in any case, if an answer be filed, the court may consider opposition to the motions, if any, and may retain the action in the county where commenced if it appears that the convenience of the witnesses or the ends of justice will thereby be promoted.

SEC. 28. Section 396b of the Code of Civil Procedure is amended to read:

396b. Except as otherwise provided in Section 396a, if an action or proceeding is commenced in a court having jurisdiction of the subject matter thereof, other than the court designated as the proper court for the trial thereof, under the provisions of this title, the action may, notwithstanding, be tried in the court where commenced, unless the defendant, at the time he answers or demurs, or, at his option, without answering or demurring and within the time otherwise limited to plead, files with the clerk, or with the judge if there be no clerk, an affidavit of merits and notice of motion for an order transferring the action or proceeding to the proper court, together with proof of service, upon the adverse party, of a copy of such papers. Upon the hearing of such motion the court shall, if it appears that the action or proceeding was not commenced in the proper court, order the same transferred to the proper court; provided, however, that the court in a proceeding for dissolution of marriage or legal separation, may, prior to the determination of such motion, consider and determine motions for allowance of temporary alimony, support of children, counsel fees and costs, and make all necessary and proper orders in connection therewith; provided further, that in any case, if an answer be filed, the court may consider opposition to the motions, if any, and may retain the action in the county where commenced if it appears that the convenience of the witnesses or the ends of justice will thereby be promoted.

SEC. 29. Section 37 of Senate Bill No. 252 of the 1969 Regular Session of the Legislature is amended to read:

Sec. 37. This act shall become operative on January 1, 1970, and shall apply to all actions and proceedings filed prior thereto with respect to issues on which an interlocutory judgment has not been entered or denied in the action, or, if the

action is not one in which an interlocutory judgment may be entered, with respect to issues on which a judgment has not been entered, to all proceedings for modification of a judgment or order, and to all actions and proceedings filed on or after January 1, 1970. In any action or proceeding in which an interlocutory judgment or any other judgment has been entered or a new trial has been granted prior to the operative date of this act, the law in effect at the time of entry of such judgment or order granting a new trial shall govern any subsequent trial or appeal. Pending actions for dissolution of marriage or legal separation based on grounds other than incurable insanity shall be deemed to be on the ground of irreconcilable differences and the evidence adduced after the operative date of this act shall be in compliance with this act. In any action for the dissolution of marriage in which an interlocutory judgment has been entered prior to the operative date of this act, a final judgment dissolving the marriage may be entered pursuant to Section 4514 of the Civil Code, as enacted by this act, six months after the date of the service of a copy of the summons and complaint.

SEC. 30. This act shall become operative only if Senate Bill No. 252 of the 1969 Regular Session of the Legislature is enacted.

SEC. 31. Subject to Section 30 of this act, Sections 1, 6 to 22, inclusive, and 29 of this act shall become operative at the same time as Senate Bill No. 252 of the 1969 Regular Session of the Legislature becomes operative.

SEC. 32. Subject to Section 30 of this act, Sections 2 to 4, inclusive, of this act shall become operative only if Senate Bill No. 1309 of the 1969 Regular Session of the Legislature is enacted and adds Section 164.8 to, and amends Sections 172 and 172a of, the Civil Code, and, in such case, shall become operative at the same time as Senate Bill No. 1309 becomes operative.

SEC. 33. Subject to Section 30 of this act, Section 5 of this act shall become operative only if Senate Bill No. 288 of the 1969 Regular Session of the Legislature is enacted and amends Section 182 of the Civil Code, and, in such case, shall become operative at the same time as Senate Bill No. 288 becomes operative.

SEC. 34. Subject to Section 30 of this act, Sections 23 to 25, inclusive, of this act shall become operative only if Senate Bill No. 1309 of the 1969 Regular Session of the Legislature is enacted and adds Section 164.8 to, and amends Section 172 and 172a of, the Civil Code, and, in such case, shall become operative at the same time as Senate Bill No. 252 of the 1969 Regular Session of the Legislature becomes operative, at which time Section 164.8 of the Civil Code, as added by Section 2 of this act, and Sections 172 and 172a of the Civil Code, as amended by Sections 3 and 4 of this act, respectively, are repealed.

SEC. 35. Subject to Section 30 of this act, Section 26 of the act shall become operative only if Senate Bill No. 288 of the 1969 Regular Session of the Legislature is enacted and amends Section 182 of the Civil Code, and, in such case, shall become operative at the same time as Senate Bill No. 252 of the 1969 Regular Session of the Legislature becomes operative, at which time Section 182 of the Civil Code, as amended by Section 5 of this act, is repealed.

SEC. 36. Subject to Section 30, Section 27 of this act shall become operative only if Senate Bill No. 574 of the 1969 Regular Session of the Legislature is enacted and amends Section 396b of the Code of Civil Procedure, and, in such case, shall become operative at the same time as Senate Bill No. 288 becomes operative.

SEC. 37. Subject to Section 30, Section 28 of this act shall become operative only if Senate Bill No. 574 of the 1969 Regular Session of the Legislature is enacted and amends Section 396b of the Code of Civil Procedure, and, in such case, shall become operative at the same time as Senate Bill No. 252 of the 1969 Regular Session of the Legislature becomes operative, at which time Section 396b of the Code of Civil Procedure, as amended by Section 27 of this act, is repealed.

CHAPTER 1610

An act to amend and renumber the heading of Title 5 (commencing with Section 405) of Part 2 of, to amend and renumber Section 405.7 of, to amend Section 581a of, to add Title 5 (commencing with Section 410.10) to Part 2 of, to add Sections 167, 473.5, and 1032b to, and to repeal Sections 405, 405.5, 406, 407, 408, 410, 410.1, 411, 412, 413, 414, 415, 416, 416.1, 416.2, 416.3, 417, and 473a of, the Code of Civil Procedure, to add Section 3305.2 to the Corporations Code, and to add Sections 69846.5, 71613.5, and 72051.5 to the Government Code, relating to courts.

[Approved by Governor September 5, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 167 is added to the Code of Civil Procedure, to read:

167. Any act required or permitted to be performed by the clerk of a court may be performed by a judge thereof, and shall be performed by a judge in any court having no clerk.

SEC. 2. The heading of Title 5 (commencing with Section 405) of Part 2 of the Code of Civil Procedure is amended and renumbered to read:

TITLE 4.5. RECORDING NOTICE OF CERTAIN ACTIONS

SEC. 3. Title 5 (commencing with Section 410.10) is added to Part 2 of the Code of Civil Procedure, to read:

TITLE 5. JURISDICTION AND SERVICE OF PROCESS

CHAPTER 1. JURISDICTION AND INCONVENIENT FORUM

Article 1. Jurisdiction

410.10. A court of this state may exercise jurisdiction on any basis not inconsistent with the Constitution of this state or of the United States.

Article 2. Inconvenient Forum

410.30. When a court upon motion of a party or its own motion finds that in the interest of substantial justice an action should be heard in a forum outside this state, the court shall stay or dismiss the action in whole or in part on any conditions that may be just.

Article 3. Jurisdiction in Action

410.50. (a) Except as otherwise provided by statute, the court in which an action is pending has jurisdiction over a party from the time summons is served on him as provided by Chapter 4 (commencing with Section 413.10). A general appearance by a party is equivalent to personal service of summons on such party.

(b) Jurisdiction of the court over the parties and the subject matter of an action continues throughout subsequent proceedings in the action.

410.60. In an action against a corporation which has forfeited its charter or right to do business, or has dissolved, the court in which the action is pending has jurisdiction over all the trustees of such corporation and of its stockholders or members from the time summons is served on one of the trustees as provided by Chapter 4 (commencing with Section 413.10).

410.70. In an action against two or more persons who are jointly, jointly and severally, or severally liable on a contract, the court in which the action is pending has jurisdiction to proceed against such of the defendants as are served as if they were the only defendants.

CHAPTER 2. COMMENCING CIVIL ACTIONS

411.10. A civil action is commenced by filing a complaint with the court.

411.20. Upon presentation of a complaint or other first paper and the payment of at least the fee prescribed by Sec-

tion 26821, 26821.2, 26826, 26826.2, 26827, 71665, 71665.5, 72055, or 72056 of the Government Code, the clerk shall file it. If all applicable fees are not then paid, the clerk shall forthwith mail notice of the unpaid fees to the party who filed the paper at the address stated by the party and shall execute a certificate of such mailing and place it in the court's file in the action. The filing is ineffective unless such fees are paid within 20 days after any notice given by the clerk pursuant to this section.

The clerk's certificate as to the mailing of notice pursuant to this section establishes a rebuttable presumption that such fees were not paid. This presumption is a presumption affecting the burden of producing evidence.

CHAPTER 3. SUMMONS

412.10. After payment of all applicable fees, the plaintiff may have the clerk issue one or more summons for any defendant.

412.20. (a) Except as otherwise required by statute, a summons shall be directed to the defendant, signed by the clerk and issued under the seal of the court in which the action is pending, and it shall contain:

(1) The title of the court in which the action is pending.

(2) The names of the parties to the action.

(3) A direction that the defendant file with the court a written pleading in response to the complaint within 30 days after summons is served on him. In justice courts, the direction shall be that the defendant file with the court a written pleading, or cause an oral pleading to be entered in the docket, in response to the complaint within 30 days after summons is served on him.

(4) A notice that, unless the defendant so responds, his default will be entered upon application by the plaintiff and the plaintiff may apply to the court for the relief demanded in the complaint.

(5) The following statement in boldface type: "You may seek the advice of an attorney in any matter connected with the complaint or this summons. Such attorney should be consulted promptly so that your pleading may be filed or entered within the time required by this summons."

(b) A summons in form approved by the Judicial Council is deemed to comply with this section.

412.30. In an action against a corporation or an unincorporated association (including a partnership), the copy of the summons that is served shall contain a notice stating in substance: "To the person served: You are hereby served in the within action (or special proceeding) on behalf of (here state the name of the corporation or the unincorporated association) as a person upon whom a copy of the summons and of the complaint may be delivered to effect service on said party under the provisions of (here state appropriate provisions of

Chapter 4 (commencing with Section 413.10) of the Code of Civil Procedure)." If service is also made on such person as an individual, the notice shall also indicate that service is being made on such person as an individual as well as on behalf of the corporation or the unincorporated association.

If such notice does not appear on the copy of the summons served, no default may be taken against such corporation or unincorporated association or against such person individually, as the case may be.

CHAPTER 4. SERVICE OF SUMMONS

Article 1. General

413.10. Except as otherwise provided by statute, a summons shall be served on a person:

(a) Within this state, as provided in this chapter.

(b) Outside this state but within the United States, as provided in this chapter or as prescribed by the law of the place where the person is served.

(c) Outside the United States, as provided in this chapter or as directed by the court in which the action is pending, or, if the court before or after service finds that the service is reasonably calculated to give actual notice, as prescribed by the law of the place where the person is served or as directed by the foreign authority in response to a letter rogatory.

413.20. If a summons is served by mail pursuant to this chapter, the provisions of Section 1013 that extend the time for exercising a right or doing an act shall not extend any time specified in this title.

413.30. Where no provision is made in this chapter or other law for the service of summons, the court in which the action is pending may direct that summons be served in a manner which is reasonably calculated to give actual notice to the party to be served and that proof of such service be made as prescribed by the court.

Article 2. Persons Who May Serve Summons

414.10. A summons may be served by any person who is at least 18 years of age and not a party to the action.

Article 3. Manner of Service of Summons

415.10. A summons may be served by personal delivery of a copy of the summons and of the complaint to the person to be served. Service of a summons in this manner is deemed complete at the time of such delivery.

415.20. (a) In lieu of personal delivery of a copy of the summons and of the complaint to the person to be served as specified in Section 416.10, 416.20, 416.30, 416.40, or 416.50, a summons may be served by leaving a copy of the summons and of the complaint during usual office hours in his office

with the person who is apparently in charge thereof, and by thereafter mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served at the place where a copy of the summons and of the complaint were left. Service of a summons in this manner is deemed complete on the 10th day after such mailing.

(b) If a copy of the summons and of the complaint cannot with reasonable diligence be personally delivered to the person to be served as specified in Section 416.60, 416.70, 416.80, or 416.90, a summons may be served by leaving a copy of the summons and of the complaint at such person's dwelling house, usual place of abode, or usual place of business in the presence of a competent member of the household or a person apparently in charge of his office or place of business, at least 18 years of age, who shall be informed of the contents thereof, and by thereafter mailing a copy of the summons and of the complaint (by first-class mail, postage prepaid) to the person to be served at the place where a copy of the summons and of the complaint were left. Service of a summons in this manner is deemed complete on the 10th day after such mailing.

415.30. (a) A summons may be served by mail as provided in this section. A copy of the summons and of the complaint shall be mailed (by first-class mail or airmail, postage prepaid) to the person to be served, together with two copies of the notice and acknowledgment provided for in subdivision (b) and a return envelope, postage prepaid, addressed to the sender.

(b) The notice specified in subdivision (a) shall be in substantially the following form:

(Title of court and cause, with action number, to be inserted by the sender prior to mailing)

NOTICE

To: (Here state the name of the person to be served.)

This summons is served pursuant to Section 415.30 of the California Code of Civil Procedure. Failure to complete this form and return it to the sender within 20 days may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons upon you in any other manner permitted by law. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, this form must be signed in the name of such entity by you or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. Section 415.30 provides that this summons is deemed served on the date of execution of an acknowledgment of receipt of summons.

Signature of sender

ACKNOWLEDGMENT OF RECEIPT OF SUMMONS

This acknowledges receipt on (insert date) of a copy of the summons and of the complaint at (insert address).

Date:----------

. (Date this acknowledgement is executed)

Signature of person acknowledging receipt, with title if acknowledgment is made on behalf of another person

(c) Service of a summons pursuant to this section is deemed complete on the date a written acknowledgment of receipt of summons is executed, if such acknowledgment thereafter is returned to the sender.

(d) If the person to whom a copy of the summons and of the complaint are mailed pursuant to this section fails to complete and return the acknowledgment form set forth in subdivision (b) within 20 days from the date of such mailing, the party to whom the summons was mailed shall be liable for reasonable expenses thereafter incurred in serving or attempting to serve the party by another method permitted by this chapter, and, except for good cause shown, the court in which the action is pending, upon motion, with or without notice, shall award the party such expenses whether or not he is otherwise entitled to recover his costs in the action.

(e) A notice or acknowledgment of receipt in form approved by the Judicial Council is deemed to comply with this section.

415.40. A summons may be served on a person outside this state in any manner provided by this article or by sending a copy of the summons and of the complaint to the person to be served by any form of airmail requiring a return receipt. Service of a summons by this form of mail is deemed complete on the 10th day after such mailing.

415.50. (a) A summons may be served by publication if upon affidavit it appears to the satisfaction of the court in which the action is pending that the party to be served cannot with reasonable diligence be served in another manner specified in this article and that:

(1) A cause of action exists against the party upon whom service is to be made or he is a necessary or proper party to the action; or

(2) The party to be served has or claims an interest in real or personal property in this state that is subject to the jurisdiction of the court or the relief demanded in the action consists wholly or in part in excluding such party from any interest in such property.

(b) The court shall order the summons to be published in a named newspaper, published in this state, that is most likely to give actual notice to the party to be served and direct

that a copy of the summons and of the complaint be forthwith mailed to such party if his address is ascertained before expiration of the time prescribed for publication of summons. Except as otherwise provided by statute, the publication shall be made as provided by Section 6064 of the Government Code unless the court in its discretion orders publication for a longer period.

(c) Service of a summons in this manner is deemed complete on the last day of publication.

(d) Notwithstanding an order for publication of the summons, a summons may be served in another manner authorized by this chapter, in which event such service shall supersede any published summons.

Article 4. Persons Upon Whom Summons May Be Served

416.10. A summons may be served on a corporation by delivering a copy of the summons and of the complaint:

(a) To the person designated as agent for service of process as provided by any provision in Sections 3301 to 3303, inclusive, or Sections 6500 to 6504, inclusive, of the Corporations Code;

(b) To the president or other head of the corporation, a vice president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the corporation to receive service of process;

(c) If the corporation is a bank, to a cashier or assistant cashier or to a person specified in subdivision (a) or (b); or

(d) When authorized by any provision in Sections 3301 to 3303, inclusive, or Sections 6500 to 6504, inclusive, of the Corporations Code, as provided by such provision.

416.20. A summons may be served on a corporation that has forfeited its charter or right to do business, or has dissolved, by delivering a copy of the summons and of the complaint:

(a) To a person who is a trustee of the corporation and of its stockholders or members; or

(b) When authorized by any provision in Sections 3305 to 3306, inclusive, of the Corporations Code, as provided by such provision.

416.30. A summons may be served on a joint stock company or association by delivering a copy of the summons and of the complaint as provided by Section 416.10 or 416.20.

416.40. A summons may be served on an unincorporated association (including a partnership) by delivering a copy of the summons and of the complaint:

(a) If the association is a general or limited partnership, to the person designated as agent for service of process as provided in Section 24003 of the Corporations Code or to a general partner or the general manager of the partnership;

(b) If the association is not a general or limited partnership, to the person designated as agent for service of process

as provided in Section 24003 of the Corporations Code or to the president or other head of the association, a vice president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the association to receive service of process;

(c) When authorized by Section 15700 or 24007 of the Corporations Code, as provided by the applicable section.

416.50. (a) A summons may be served on a public entity by delivering a copy of the summons and of the complaint to the clerk, secretary, president, presiding officer, or other head of its governing body.

(b) As used in this section, "public entity" includes the state and any office, department, division, bureau, board, commission, or agency of the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in this state.

416.60. A summons may be served on a minor under 18 years of age by delivering a copy of the summons and of the complaint to his parent, guardian, conservator, or similar fiduciary, or, if no such person can be found with reasonable diligence, to any person having the care or control of such minor or with whom he resides or by whom he is employed, and to the minor if he is at least 12 years of age.

416.70. A summons may be served on a person (other than a minor under 18 years of age) for whom a guardian, conservator, or similar fiduciary has been appointed by delivering a copy of the summons and of the complaint to his guardian, conservator, or similar fiduciary and to such person, but, for good cause shown, the court in which the action is pending may dispense with delivery to such person.

416.80. When authorized by Section 54 of the Elections Code, a summons may be served as provided by that section.

416.90. A summons may be served on a person not otherwise specified in this article by delivering a copy of the summons and of the complaint to such person or to a person authorized by him to receive service of process.

Article 5. Proof of Service

417.10. Proof that a summons was served on a person within this state shall be made:

(a) If served under Section 415.10, 415.20, or 415.30, by the affidavit of the person making such service showing the time, place, and manner of service and facts showing that such service was made in accordance with this chapter. Such affidavit shall recite or in other manner show the name of the person to whom a copy of the summons and of the complaint were delivered, and, if appropriate, his title or the capacity in which he is served, and that the notice required by Section 412.30 appeared on the copy of the summons served, if in fact it did appear.

If service is made by mail pursuant to Section 415.30, proof of service shall include the acknowledgment of receipt of summons in the form provided by that section or other written acknowledgment of receipt of summons satisfactory to the court.

(b) If served by publication pursuant to Section 415.50, by the affidavit of the publisher or printer, or his foreman or principal clerk, showing the time and place of publication, and an affidavit showing the time and place a copy of the summons of the complaint were mailed to the party to be served, if in fact mailed.

(c) If served pursuant to another statute of this state, in the manner prescribed by such statute or, if no manner is prescribed, in the manner prescribed by this section for proof of a similar manner of service.

(d) By the written admission of the party.

417.20. Proof that a summons was served on a person outside this state shall be made:

(a) If served in a manner specified in a statute of this state, as prescribed by Section 417.10, and if service is made by mail pursuant to Section 415.40, proof of service shall include evidence satisfactory to the court establishing actual delivery to the person to be served, by a signed return receipt or other evidence;

(b) In the manner prescribed by the court order pursuant to which the service is made;

(c) Subject to any additional requirements that may be imposed by the court in which the action is pending, in the manner prescribed by the law of the place where the person is served for proof of service in an action in its courts of general jurisdiction; or

(d) By the written admission of the party.

417.30. If a summons is lost after service has been made but before it is returned, an affidavit of the person who made the service showing the time, place, and manner of service and facts showing that such service was made in accordance with this chapter may be returned with the same effect as if the summons itself were returned.

CHAPTER 5. OBJECTION TO JURISDICTION

418.10. (a) A defendant, on or before the last day of his time to plead or within such further time as the court may for good cause allow, may serve and file a notice of motion either or both:

(1) To quash service of summons on the ground of lack of jurisdiction of the court over him

(2) To stay or dismiss the action on the ground of inconvenient forum.

(b) Such notice shall designate, as the time for making the motion, a date not less than 10 nor more than 20 days

after filing of the notice. The service and filing of the notice shall extend the defendant's time to plead until 15 days after service upon him of a written notice of entry of an order denying his motion, except that for good cause shown the court may extend the defendant's time to plead for an additional period not exceeding 20 days.

(c) If such motion is denied by the trial court, the defendant, within 10 days after service upon him of a written notice of entry of an order of the court denying his motion, or within such further time not exceeding 20 days as the trial court may for good cause allow, and before pleading, may petition an appropriate reviewing court for a writ of mandate to require the trial court to enter its order quashing the service of summons or staying or dismissing the action. The defendant shall file or enter his responsive pleading in the trial court within the time prescribed by subdivision (b) unless, on or before the last day of his time to plead, he serves upon the adverse party and files with the trial court a notice that he has petitioned for such writ of mandate. The service and filing of such notice shall extend his time to plead until 10 days after service upon him of a written notice of the final judgment in the mandate proceeding. Such time to plead may for good cause shown be extended by the trial court for an additional period not exceeding 20 days.

(d) No default may be entered against the defendant before expiration of his time to plead, and no motion under this section, or under Section 473 or 473.5 when joined with a motion under this section, or application to the court or stipulation of the parties for an extension of the time to plead, shall be deemed a general appearance by the defendant.

SEC. 4. Section 405 of the Code of Civil Procedure is repealed.

SEC. 5. Section 405.5 of the Code of Civil Procedure is repealed.

SEC. 6. Section 405.7 of the Code of Civil Procedure is amended and renumbered to read:

1029.5. (a) Whenever a complaint for damages is filed against any architect, landscape architect, engineer, building designer, or land surveyor, duly licensed as such under the laws of this state, in an action for error, omission, or professional negligence in the creation and preparation of plans, specifications, designs, reports or surveys which are the basis for work performed or agreed to be performed on real property, any such defendant may, within 30 days after service of summons, move the court for an order, upon notice and hearing, requiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in the sum of five hundred dollars ($500) as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous.

At the hearing upon such motion, the court shall order the plaintiff to file such security if the defendant shows to the satisfaction of the court that (i) the plaintiff would not suffer undue economic hardship in filing such written undertaking, and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking. No appeal shall be taken from any order made pursuant to this subdivision to file or not to file such security.

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. If the court, upon any such motion, makes a determination that a written undertaking 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.

(b) This section does not apply to a complaint for bodily injury or for wrongful death, nor to an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking shall be increased to the extent of five hundred dollars ($500) for each additional defendant in whose favor such undertaking is ordered not to exceed the total of three thousand dollars ($3,000).

(d) In any action requiring a written undertaking as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's costs of defense authorized by law. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars ($500) for each defendant with respect to whom such sureties have executed a written undertaking. If the plaintiff prevails in the action against any defendant with respect to whom such security has been filed, such defendant shall pay the cost to plaintiff of obtaining such written undertaking.

SEC. 7. Section 406 of the Code of Civil Procedure is repealed.

SEC. 8. Section 407 of the Code of Civil Procedure is repealed.

SEC. 9. Section 408 of the Code of Civil Procedure is repealed.

SEC. 10. Section 410 of the Code of Civil Procedure is repealed.

SEC. 11. Section 410.1 of the Code of Civil Procedure is repealed.

SEC. 12. Section 411 of the Code of Civil Procedure is repealed.

SEC. 13. Section 412 of the Code of Civil Procedure is repealed.

SEC. 14. Section 413 of the Code of Civil Procedure is repealed.

SEC. 15. Section 414 of the Code of Civil Procedure is repealed.

SEC. 16. Section 415 of the Code of Civil Procedure is repealed.

SEC. 17. Section 416 of the Code of Civil Procedure is repealed.

SEC. 18. Section 416.1 of the Code of Civil Procedure is repealed.

SEC. 19. Section 416.2 of the Code of Civil Procedure is repealed.

SEC. 20. Section 416.3 of the Code of Civil Procedure is repealed.

SEC. 21. Section 417 of the Code of Civil Procedure is repealed.

SEC. 22. Section 473a of the Code of Civil Procedure is repealed.

SEC. 23. Section 473.5 is added to the Code of Civil Procedure, to read:

473.5. (a) When service of a summons has not resulted in actual notice to a party in time to defend the action and a default or default judgment has been entered against him in such action, he may serve and file a notice of motion to set aside such default or default judgment and for leave to defend the action. Such notice of motion shall be served and filed within a reasonable time, but in no event exceeding the earlier of: (i) two years after entry of a default judgment against him; or (ii) 180 days after service on him of a written notice that such default or default judgment has been entered.

(b) A notice of motion to set aside a default or default judgment and for leave to defend the action shall designate as the time for making the motion a date not less than 10 nor more than 20 days after filing of such notice, and it shall be accompanied by an affidavit showing under oath that such party's lack of actual notice in time to defend the action was not caused by his avoidance of service or inexcusable neglect. The party shall serve and file with such notice a copy of the answer, motion, or other pleading proposed to be filed in the action.

(c) Upon a finding by the court that the motion was made within the period permitted by subdivision (a) and that his lack of actual notice in time to defend the action was not caused by his avoidance of service or inexcusable neglect, it may set aside the default or default judgment on such terms as may be just and allow such party to defend the action.

SEC. 24. Section 581a of the Code of Civil Procedure is amended to read:

581a. No action heretofore or hereafter commenced shall be further prosecuted, and no further proceedings shall be had

therein, and all actions heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any party interested therein, whether named in the complaint as a party or not, unless the summons shall be served and return thereon made within three years after the commencement of said action, except where the parties have filed a stipulation in writing that the time may be extended. But all such actions may be prosecuted, if general appearance has been made by the defendant or defendants, within said three years in the same manner as if summons had been issued and served; provided, that, except in actions to partition or to recover possession of, or to enforce a lien upon, or to determine conflicting claims to, real or personal property, no dismissal shall be had under this section as to any defendant because of the failure to serve summons on him during his absence from the state, or while he has secreted himself within the state to prevent the service of summons on him.

All actions, heretofore or hereafter commenced, shall be dismissed by the court in which the same may be pending, on its own motion, or on the motion of any party interested therein, if summons has been served, and no answer has been filed, if plaintiff fails, or has failed, to have judgment entered within three years after service of summons, except where the parties have filed a stipulation in writing that the time may be extended.

A motion to dismiss pursuant to the provisions of this section shall not, nor shall any extension of time to plead after such motion, constitute a general appearance.

SEC. 25. Section 1032b is added to the Code of Civil Procedure, to read:

1032b. When a summons is served by a person other than a public officer or employee, the court in which the action is pending shall allow as a recoverable cost such sum as it deems proper for such service, but not exceeding the amount allowed to a public officer or employee in this state for such service.

SEC. 26. Section 3305.2 is added to the Corporations Code, to read:

3305.2. In all cases where a corporation has forfeited its charter or right to do business, or has dissolved, the trustees of the corporation and of its stockholders or members may be sued in the corporate name of such corporation.

SEC. 27. Section 69846.5 is added to the Government Code, to read:

69846.5. The clerk of the superior court shall endorse on each paper filed with the court the day, month, and year it is filed.

SEC. 28. Section 71613.5 is added to the Government Code, to read:

71613.5. The clerk of the justice court, or the judge if there be no clerk, shall endorse on each paper filed with the court the day, month, and year it is filed.

SEC. 29. Section 72051.5 is added to the Government Code, to read:

72051.5. The clerk of the municipal court shall endorse on each paper filed with the court the day, month, and year it is filed.

SEC. 30. (a) This act shall become operative on July 1, 1970.

(b) In any action commenced prior to July 1, 1970, in which a summons was properly issued but not served before July 1, 1970, the summons shall be served as provided by this act. However, if an order for publication of summons was made before July 1, 1970, but actual service of summons was not completed by that date, the service may be completed as provided by the law in effect prior to July 1, 1970.

(c) In any action commenced prior to July 1, 1970, in which a summons has been served but no return thereon made by July 1, 1970, the return of summons may be made as provided by this act or as provided by the law in effect prior to July 1, 1970.

(d) In any action commenced prior to July 1, 1970, in which a default or default judgment was entered prior to July 1, 1970, the law in effect prior to July 1, 1970, shall govern the right to seek relief.

(e) Nothing in this act revives or reinstates any right that, on the operative date of this act, was lost or barred by the law in effect prior thereto.

CHAPTER 1611

An act to amend Sections 149, 224, and 235 of the Civil Code, to amend Section 3241 of the Civil Code as added by Senate Bill No. 316 of the 1969 Regular Session, to amend Sections 376, 387, 585, 586, 750, 751.10, 751.11, 757, 762, 801.6, 801.8, 801.9, 801.10, 851, 861.1, 863, 870, 904.1, 904.2, 904.3, 989, 1167, 1200.1, and 1245.2 of, and to add Section 2015.3 to, the Code of Civil Procedure, to amend Sections 2416, 3300, 3302, 3305.1, and 24007 of the Corporations Code, to amend Sections 370, 1101, 1435.5, 1754, and 1755 of the Probate Code, to amend Sections 3599, 3601, 3602, 3957, 3959, and 3960 of the Revenue and Taxation Code, and to amend Section 6611 of the Streets and Highways Code, relating to Civil Procedure.

[Approved by Governor September 5, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 149 of the Civil Code is amended to read:

149. When service of summons is made pursuant to Section 415.50 of the Code of Civil Procedure upon a spouse sued under the provisions of this chapter, the court, without the aid of attachment thereof or the appointment of a receiver, shall have and may exercise the same jurisdiction over all of the following:

(a) The community real property of the spouse so served situated in this state as it has or may exercise over the community real property of a spouse sued under the provisions of this chapter and personally served with process within this state.

(b) The quasi-community real property of the spouse so served situated in this state as it has or may exercise over the quasi-community real property of a spouse sued under the provisions of this chapter and personally served with process within this state.

SEC. 2. Section 224 of the Civil Code is amended to read:

224. A legitimate child cannot be adopted without the consent of its parents if living; however, after the custody of any child has, by any judicial decree, been given to the father, and the mother for a period of one year fails to communicate with such child when able to do so, or been given to the mother, and the father for a period of one year shall willfully fail to pay for the care, support and education of such child when able to do so, then the parent to whom custody has been given alone may consent to such adoption, but only after the parent to whom custody has not been given has been served with a copy of a citation in the manner provided by law for the service of a summons in a civil action that requires him or her to appear at the time and place set for the appearance in court under Section 227; failure of father to pay for the care, support and education of such child for such period of one year or failure of mother to communicate with such child for such period of one year is prima facie evidence that such failure was willful and without lawful excuse; nor an illegitimate child without the consent of its mother if living; except that the consent of a father or mother is not necessary in the following cases:

1. When such father or mother has been judicially deprived of the custody and control of such child (a) by order of the court declaring such child to be free from the custody and control of either or both of his parents pursuant to Chapter 4 (commencing with Section 232) of Title 2 of Part 3 of Division 1 of this code, or (b) by similar order of the court of another jurisdiction, pursuant to any law of that jurisdiction authorizing such order; or when such father or mother has, in a judicial proceeding in another jurisdiction, voluntarily surrendered his right to the custody and control of such child pursuant to any law of that jurisdiction provided for such surrender.

2. Where such father or mother of any child has deserted the child without provision for its identification.

3. Where such father or mother of any child has relinquished such child for adoption as provided in Section 224m; or where such father or mother has relinquished such child for adoption to a licensed or authorized child-placing agency in another jurisdiction pursuant to the law of that jurisdiction.

SEC. 3. Section 235 of the Civil Code is amended to read:

235. (a) The father or mother of such minor person, if his or her place of residence is known to the petitioner, or, if the place of residence of such father or mother is not known to the petitioner, then some relative of such minor person, if there is any and if his residence and relationship to such person are known to the petitioner, shall be notified of the proceedings by service of a citation requiring such person or persons to appear at the time and place stated in such citation. Such citation shall be served in the manner provided by law for the service of a summons in a civil action, other than by publication. In all cases where one parent has relinquished his child for the purpose of adoption, or has signed a consent for adoption as provided in Sections 224m and 226, no notice as herein provided need be given to the parent who has signed such relinquishment or consent. Service of such citations shall be made at least 10 days before the time stated therein for such appearance.

(b) If the father or mother of such minor person or any person alleged to be or claiming to be the father or mother cannot, with reasonable diligence, be served as provided for in subdivision (a), or if his or her place of residence is not known to the petitioner, the petitioner or his agent or attorney shall make and file an affidavit, and shall state therein the name of the father or mother or alleged father or mother and his or her place of residence, if known to the petitioner, and the name of the father or mother or alleged father or mother whose place of residence is unknown to the petitioner. Thereupon the court shall make an order that the service be made by the publication of a citation requiring such father or mother or alleged father or mother to appear at the time and place stated therein, and that the citation be published in a newspaper to be named and designated as most likely to give notice to the father or mother or alleged father or mother to be served once a week for four successive weeks. In case of publication where the residence of a parent or alleged parent is known, the court shall also direct a copy of the citation to be forthwith served upon such parent or alleged parent by mail by deposit in the post office properly addressed and with the postage thereon fully prepaid, directed to such parent or alleged parent at his or her place of residence. When publication is ordered, service of a copy of the citation in the manner provided for in subdivision (a) is equivalent to publication and deposit in the post

office. Service is complete at the expiration of the time prescribed by the order for publication or when service is made as provided for in subdivision (a), whichever event shall first occur.

If one or both of the parents of such minor person be unknown or if the name of either or both of his parents be uncertain, then such fact shall be set forth in the affidavit and the court shall order the citation to be directed to either the father or the mother, or both, of the minor person, naming and otherwise describing the minor person, and to all persons claiming to be the father or mother of the minor person.

SEC. 3.5. Section 3241 of the Civil Code, as added by Senate Bill No. 316 of the 1969 Regular Session of the Legislature, is amended to read:

3241. The written notice to be given to the surety or sureties as provided in Section 3240 may be given by delivery thereof personally to, or by depositing same in the mail, postage prepaid, and certified or registered, addressed in accordance with any of the following which may be applicable:

(a) If to an individual surety, at his residence or place of business, if known.

(b) If to an individual surety and his residence is unknown, then in care of the county clerk of the county in which the bond has been recorded.

(c) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent.

(d) At the office or care of any officer of the surety in this state:

(e) At the office of or care of the statutory agent of the surety in this state.

(f) By service in the manner provided by law for the service of a summons in a civil action.

SEC. 4. Section 376 of the Code of Civil Procedure is amended to read:

376. The parents of a legitimate unmarried minor child, acting jointly, may maintain an action for injury to such child caused by the wrongful act or neglect of another. If either parent shall fail on demand to join as plaintiff in such action or is dead or cannot be found, then the other parent may maintain such action and the parent, if living, who does not join as plaintiff must be joined as a defendant and, before trial or hearing of any question of fact, must be served with summons either in the manner provided by law for the service of a summons in a civil action or by sending a copy of the summons and complaint by registered mail with proper postage prepaid addressed to such parent's last known address with request for a return receipt. If service is made by registered mail the production of a return receipt purporting to be signed by the addressee creates a rebuttable presumption that such summons and complaint have been duly served. The presump-

tion established by this section is a presumption affecting the burden of producing evidence. The respective rights of the parents to any award shall be determined by the court.

A mother may maintain an action for such an injury to her illegitimate unmarried minor child. A guardian may maintain an action for such an injury to his ward.

Any such action may be maintained against the person causing the injury. If any other person is responsible for any such wrongful act or neglect the action may also be maintained against such other person. The death of the child or ward shall not abate the parents' or guardian's cause of action for his injury as to damages accruing before his death.

In every action under this section, such damages may be given as under all of the circumstances of the case may be just; except that in any action maintained after the death of the child or ward or against the executor or administrator of the person causing the injury, the damages recoverable shall be as provided in Section 573 of the Probate Code.

If an action arising out of the same wrongful act or neglect may be maintained pursuant to Section 377 for wrongful death of any such child, the action authorized by this section shall be consolidated therewith for trial on motion of any interested party.

SEC. 5. Section 387 of the Code of Civil Procedure is amended to read:

387. At any time before trial, any person, who has an interest in the matter in litigation, or in the success of either of the parties, or an interest against both, may intervene in the action or proceeding. An intervention takes place when a third person is permitted to become a party to an action or proceeding between other persons, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint, setting forth the grounds upon which the intervention rests, filed by leave of the court and served upon the parties to the action or proceeding who have not appeared, and upon the attorneys of the parties who have appeared, who may answer or demur to it within 30 days after service.

SEC. 6. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been served, other than by publication, and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons or to stay or dismiss the action pursuant

to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of the default, the court shall hear the application for determination of the attorney fee and render judgment for such fee and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more of the defendants.

2. In other actions, if the defendant has been served, other than by publication, and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, in courts having a clerk, shall enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed, apply for judgment; and the court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to the pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of the notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant

and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

SEC. 6.3. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of the default, the court shall hear the application for determination of the attorney fee and render judgment for such fee and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more of the defendants.

2. In other actions, if the defendant has been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, in courts having a clerk, shall enter the

default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; in courts which have no clerk, the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed, apply for judgment; and the court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will, or succession, but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to such pleading. The

notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of such notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received, or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

SEC. 6.5. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been served, other than by publication, and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant, or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of the default, the court shall hear the application for determination of the attorney fee and render

judgment for such fee and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more the defendants.

2. In other actions, if the defendant has been served, other than by publication, and no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, shall enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer or demurrer or notice of motion to strike (of the character hereinafter specified) or notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed, apply in writing for judgment; and the court shall thereupon require proof to be made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before ren-

dering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will or succession but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to the pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of the notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto

SEC. 6 7. Section 585 of the Code of Civil Procedure is amended to read:

585. Judgment may be had, if the defendant fails to answer the complaint, as follows:

1. In an action arising upon contract or judgment of a court of this state for the recovery of money or damages only, if the defendant has, or if more than one defendant, if any of the defendants have, been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, and proof of such service of summons, shall enter the default of the defendant or defendants, so served, and immediately thereafter enter judgment for the principal amount demanded in the complaint or a lesser amount if credit has

been acknowledged, together with interest allowed by law or in accordance with the terms of the contract, and the costs against the defendant, or defendants, or against one or more of the defendants. If, by rule of court, a schedule of attorney fees to be allowed has been adopted, the clerk may include in the judgment an attorney fee in accordance with such schedule if the contract provides that an attorney fee be allowed in the event of an action thereon; provided, that plaintiff shall have the right, upon filing a written request at the time of application for entry of the default of the defendant or defendants, to have the attorney fee fixed by the court, whereupon, after the entry of the default, the court shall hear the application for determination of the attorney fee and render judgment for such fee and for the other relief demanded in the complaint, or a lesser amount if credit has been acknowledged, and the costs against the defendant, or defendants, or against one or more of the defendants.

2. In other actions, if the defendant has been served, other than by publication, and no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10 or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed with the clerk or judge of the court within the time specified in the summons, or such further time as may be allowed, the clerk, or the judge if there be no clerk, upon written application of the plaintiff, shall enter the default of the defendant; and thereafter the plaintiff may apply to the court for the relief demanded in the complaint; the court shall hear the evidence offered by the plaintiff, and shall render judgment in his favor for such sum (not exceeding the amount stated in the complaint), as appears by such evidence to be just. If the taking of an account, or the proof of any fact, is necessary to enable the court to give judgment or to carry the judgment into effect, the court may take the account or hear the proof, or may, in its discretion, order a reference for that purpose. And where the action is for the recovery of damages, in whole or in part, the court may order the damages to be assessed by a jury; or if, to determine the amount of damages, the examination of a long account is involved by a reference as above provided.

3. In all actions where the service of the summons was by publication the plaintiff, upon the expiration of the time for answering, may, upon proof of the publication, and that no answer, demurrer, notice of motion to strike (of the character hereinafter specified), notice of motion to transfer pursuant to Section 396b, notice of motion to quash service of summons or to stay or dismiss the action pursuant to Section 418.10, or notice of the filing of a petition for writ of mandate as provided in Section 418.10 has been filed, apply in writing for judgment; and the court shall thereupon require proof to be

made of the allegations of the complaint; and if the defendant is not a resident of the state, shall require the plaintiff, or his agent, to be examined, on oath, respecting any payments that have been made to the plaintiff, or to anyone for his use, on account of any demand mentioned in the complaint, and may render judgment for the amount which he is entitled to recover; provided that, in all cases affecting the title to or possession of real property, where the service of the summons was by publication and the defendant has failed to answer, no judgment shall be rendered upon proof of mere occupancy, unless such occupancy shall have continued for the time and shall have been of the character necessary to confer title by prescription, and in all cases where the plaintiff bases his claim upon a paper title, the court shall require evidence establishing plaintiff's equitable right to judgment before rendering such judgment; provided further, however, that in actions involving merely the possession of real property where the complaint is verified and shows by proper allegations that no party to the action claims title to the real property involved, either by prescription, accession, transfer, will, or succession, but only the possession thereof, the court may render judgment upon proof of occupancy by plaintiff and ouster by defendant.

A notice of motion to strike within the meaning of this section is a notice of motion to strike the whole or any part of a pleading filed within the time within which the moving party is required otherwise to plead to such pleading. The notice of the motion to strike shall specify a hearing date not more than 15 days from the filing of such notice, plus any additional time that the moving party is otherwise required to give the adverse party. The filing of such notice of motion does not extend the time within which to demur.

4. In the cases referred to in subdivisions 2 and 3 of this section, excepting those cases which involve the dissolution or annulment of marriage or separate maintenance or the custody of children, or upon application to have an attorney's fee fixed by the court pursuant to subdivision 1 of this section, the court in its discretion may permit the use of affidavits, in lieu of personal testimony, as to all or any part of the evidence or proof required or permitted to be offered, received, or heard in such cases. The facts stated in such affidavit or affidavits shall be within the personal knowledge of the affiant and shall be set forth with particularity, and each affidavit shall show affirmatively that the affiant, if sworn as a witness, can testify competently thereto.

SEC. 7. Section 586 of the Code of Civil Procedure is amended to read:

586. In the following cases the same proceedings shall be had, and judgment shall be rendered in the same manner, as if the defendant had failed to answer:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, or demur thereto, or file a notice

of motion to strike, of the character specified in Section 585, within 10 days after service thereof or within the time allowed by the court.

2. If the demurrer to the complaint is overruled and a motion to strike, of the character specified in Section 585, is denied, or where only one thereof is filed, if the demurrer is overruled or the motion to strike is denied, and the defendant fails to answer the complaint within the time allowed by the court.

3. If a motion to strike, of the character specified in Section 585, is granted in whole or in part, and the defendant fails to answer the unstricken portion of the complaint within the time allowed by the court, no demurrer having been sustained or being then pending.

4. If a motion to quash service of summons or to stay or dismiss the action has been filed or writ of mandate sought and notice thereof given, as provided in Section 418.10, and upon denial of such motion or writ, defendant fails to plead to the complaint, within the time provided in such section or as otherwise provided by law.

5. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

SEC. 7.5. Section 586 of the Code of Civil Procedure is amended to read:

586. In the following cases the same proceedings shall be had, and judgment shall be rendered in the same manner, as if the defendant had failed to answer:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, or demur thereto, or file a notice of motion to strike, of the character specified in Section 585, within 10 days after service thereof or within the time allowed by the court.

2. If the demurrer to the complaint is overruled and a motion to strike, of the character specified in Section 585, is denied, or where only one thereof is filed, if the demurrer is overruled or the motion to strike is denied, and the defendant fails to answer the complaint within the time allowed by the court.

3. If a motion to strike, of the character specified in Section 585, is granted in whole or in part, and the defendant fails to answer the unstricken portion of the complaint within the time allowed by the court, no demurrer having been sustained or being then pending.

4. If a motion to quash service of summons or to stay or dismiss, the action has been filed or writ of mandate sought and notice thereof given, as provided in Section 418.10, and upon denial of such motion or writ, defendant fails to plead to the complaint, within the time provided in such section or as otherwise provided by law.

5. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

6. (a) If a motion to transfer pursuant to Section 396b is denied and the defendant fails to answer the complaint within the time allowed by the court or within the time provided in (c).

(b) If a motion to transfer pursuant to Section 396b is granted and the defendant fails to answer the complaint within 15 days of the mailing of notice of the filing and case number by the clerk of the court to which the action or proceeding is transferred or within the time provided in (c).

(c) If the order granting or denying a motion to transfer pursuant to Section 396a or 396b is the subject of an appeal pursuant to Section 904.2 or 904.3 in which a stay is granted or of a mandate proceeding pursuant to Section 400, and such order is reversed, the court having jurisdiction over the trial, upon application or on its own motion after such appeal or mandate proceeding becomes final or upon earlier termination of a stay, shall allow the defendant a reasonable time to answer the complaint. Notice of the order allowing the defendant further time to answer the complaint shall be promptly served by the party who obtained such order or by the clerk if the order is made on the court's own motion.

SEC. 8. Section 750 of the Code of Civil Procedure is amended to read:

750. Within three years after the filing of the complaint, as required by Section 749 or 749.1, a summons shall be issued, which shall contain the matters required by Section 412.20, and in addition, a description of the property and a statement of the object of the action. In the summons the unknown defendants shall be designated as in the complaint, whether they are the sole defendants or not. If as to any defendant the action is one brought under the provisions of Section 738 and sections pertinent thereto of this code, such defendant may be named in the same summons and no separate or additional summons need be issued directed to such defendant.

Within 30 days after the issuance of the summons, the plaintiff shall post or cause to be posted a copy thereof in a conspicuous place on the property described in the complaint.

At any time after the issuance of the summons, the plaintiff, or his agent or attorney, shall make and file an affidavit wherein there shall be stated the following matters:

(a) The names of the defendants, if any, as to whom the action is brought under the provisions of Section 738 and sections pertinent thereto of this code; if there is no such defendant that fact shall be stated.

(b) The names of all the defendants who have been served, if any; if there is none that fact shall be stated.

(c) The names of the defendants not served whose places of residence are known to the plaintiff and their respective places of residence.

(d) The names of the defendants not served whose place of residence is unknown to the plaintiff.

All known defendants shall be served in the manner provided by law for the service of a summons in a civil action.

Except as otherwise provided, upon the making and filing of the aforesaid affidavit, the court or a judge thereof shall make an order directing the summons to be served upon all the unknown defendants as stated in the complaint and summons by publication in some daily or weekly newspaper of general circulation printed and published in the county where the property is situated, and if there be no such paper in such county, then in some adjoining county, to be designated by the court or a judge thereof, which publication shall be pursuant to Section 6064 of the Government Code.

All such unknown persons so served shall have the same rights as are provided by law in cases of all other defendants named and served, and the action shall proceed against such unknown persons in the same manner as against the defendants who are named and served, and with like effect; and any such unknown person who has or claims to have any right, title, estate, lien or interest in the property, or cloud on the title thereto, adverse to plaintiff, at the time of the commencement of the action, who has been duly served as aforesaid, and anyone claiming under him, shall be concluded by the judgment in such action as effectually as if the action was brought against the person by his or her name and personal service of process was obtained, notwithstanding any such unknown person may be under legal disability. Service shall be deemed complete upon the completion of the publication.

In the event that service of any summons shall be required to be by publication as to any defendant, including a defendant as to whom the action is brought under the provisions of Section 738, the order for such publication, made pursuant to the provisions of Section 415.50 may be made either as a part of the order for publication of summons made as to unknown defendants, or as a separate order, as the court or a judge thereof may consider proper in the particular case.

SEC. 9. Section 751.10 of the Code of Civil Procedure is amended to read:

751.10. If the affidavit discloses the name of any person claiming any interest in or lien upon the property adverse to the plaintiff, a copy of the summons and complaint and affidavit shall also be served upon such person, if he can be found, in the manner provided by law for the service of a summons in a civil action, other than by publication. Service shall be made during the period of the publication of the summons. A copy of the memorandum provided for in Section 751.07 shall be appended to the copy of the summons served upon any such person.

If such person cannot, with reasonable diligence, be served as provided above within the period of publication of the

summons, a copy of the summons, memorandum, complaint, and affidavit shall be mailed, postage prepaid, addressed to him at the address given in the affidavit, or, if no address is given, at his last address known to the plaintiff, or, if none, at the county seat of the county in which the action is brought, forthwith upon the expiration of the period of publication.

SEC. 10. Section 751.11 of the Code of Civil Procedure is amended to read:

751.11. Upon the completion of the publication and posting of the summons and its service or mailing as provided for in Section 751.10, the court has complete jurisdiction over the plaintiff and the property and the person of everyone having or claiming any estate, right, title, or interest in or to, or lien upon, all or any part of the property, and shall be deemed to have obtained the possession and control of the property for the purposes of the action with complete jurisdiction to render the judgment provided for in this chapter.

SEC. 11. Section 757 of the Code of Civil Procedure is amended to read:

757. If a party having a share or interest or lien is unknown and such fact is made to appear by affidavit, the summons may be served on such unknown party by publication. When publication is made pursuant to this section or, as to a known party, pursuant to Section 415.50, the summons, as published, shall contain the description of the property which is the subject of the action.

SEC. 12. Section 762 of the Code of Civil Procedure is amended to read:

762. The plaintiff shall cause a notice to be served, a reasonable time previous to the day for appearance before the referee appointed as provided in Section 761, on each person having outstanding liens of record, who is not a party to the action, to appear before the referee at a specified time and place, to make proof, by his own affidavit or otherwise, of the amount due, or to become due, contingently or absolutely thereon. The notice shall be served in the manner provided by law for the service of a summons in a civil action, but, if service cannot otherwise be made with the exercise of reasonable diligence, service may be made by publication or notice to his agents, under the direction of the court, in such manner as may be proper. The report of the referee thereon must be made to the court, and must be confirmed, modified, or set aside, and a new reference ordered, as the justice of the case may require.

SEC. 13. Section 801.6 of the Code of Civil Procedure is amended to read:

801.6. Within three years after the filing of the complaint, a summons shall be issued which shall contain the matters required by Section 412.20, designating the defendants as in the complaint, and in addition, a description of the property and a statement of the object of the action.

SEC. 14. Section 801.8 of the Code of Civil Procedure is amended to read:

801.8. All known defendants shall be served in the manner provided by law for the service of a summons in a civil action. All unknown defendants shall be served by publication as provided in Section 750.

SEC. 15. Section 801.9 of the Code of Civil Procedure is amended to read:

801.9. In addition to the matters required to be set forth in the affidavit by the plaintiff for publication of summons, it shall appear by the affidavit that the plaintiff used reasonable diligence to ascertain the identity and residence of the unknown defendants and of any persons sued as heirs and devisees.

SEC. 16. Section 801.10 of the Code of Civil Procedure is amended to read:

801.10. All unknown defendants, including the heirs and devisees designated in the complaint, shall have the same rights as are provided by law for other defendants upon whom summons is served, and the action shall proceed against them in the same manner. Regardless of any legal disability, any unknown defendant, including any heir or devisee designated in the complaint, who has been served, and anyone claiming under him, shall be concluded by a judgment in the action as if the action were brought against and personal service made upon that person by his or her name.

SEC. 17. Section 851 of the Code of Civil Procedure is amended to read:

851. The notice shall be served in the manner provided by law for the service of a summons in a civil action, but where service is by publication, the publication shall be in a newspaper of general circulation published in the county in which the mine or claim is situated or if there is no such newspaper, in such a newspaper in an adjoining county, and the publication shall be at least once a week for 90 days.

SEC. 18 Section 861.1 of the Code of Civil Procedure is amended to read:

861.1. The summons shall be directed to "all persons interested in the matter of [specifying the matter]," shall contain a notice to all persons interested in the matter to appear and answer the complaint not later than the date specified in the summons, which date shall be 10 or more days after the completion of publication of the summons. Except as otherwise specified in this section such summons shall be in the form prescribed in Section 412.20.

SEC. 19. Section 863 of the Code of Civil Procedure is amended to read:

863. If no proceedings have been brought by the public agency pursuant to this chapter, any interested person may bring an action within the time and in the court specified

by Section 860 to determine the validity of such matter. The public agency shall be a defendant and shall be served with the summons and complaint in the action in the manner provided by law for the service of a summons in a civil action. In any such action the summons shall be in the form prescribed in Section 861.1 except that in addition to being directed to "all persons interested in the matter of [specifying the matter]," it shall also be directed to the public agency. If the interested person bringing such action fails to complete the publication and such other notice as may be prescribed by the court in accordance with Section 861 and to file proof thereof in the action within 60 days from the filing of his complaint, the action shall be forthwith dismissed on the motion of the public agency unless good cause for such failure is shown by the interested person.

SEC. 20. Section 870 of the Code of Civil Procedure is amended to read:

870. The judgment, if no appeal is taken, or if taken and the judgment is affirmed, shall, notwithstanding any other provision of law including, without limitation, Sections 473 and 473.5, thereupon become and thereafter be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other persons, and the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which the judgment is binding and conclusive.

SEC. 21. Section 904.1 of the Code of Civil Procedure is amended to read:

904.1. An appeal may be taken from a superior court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, other than as provided in subdivisions (h), (i) and (j), (2) a judgment of contempt which is made final and conclusive by Section 1222, or (3) a judgment on appeal from a municipal court or a justice court or a small claims court.

(b) From an order made after a judgment made appealable by subdivision (a).

(c) From an order granting a motion to quash service of summons or granting a motion to stay or dismiss the action on the ground of inconvenient forum.

(d) From an order granting a new trial or denying a motion for judgment notwithstanding the verdict.

(e) From an order discharging or refusing to discharge an attachment.

(f) From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction.

(g) From an order appointing a receiver.

(h) From an interlocutory judgment, order, or decree, hereafter made or entered in an action to redeem real or personal property from a mortgage thereof, or a lien thereon,

determining such right to redeem and directing an accounting.

(i) From an interlocutory judgment in an action for partition determining the rights and interests of the respective parties and directing partition to be made.

(j) From an interlocutory decree of divorce.

(k) From an order or decree made appealable by the provisions of the Probate Code.

SEC. 22. Section 904.2 of the Code of Civil Procedure is amended to read:

904.2. An appeal may be taken from a municipal court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, or (2) a judgment of contempt which is made final and conclusive by Section 1222.

(b) From an order made after a judgment made appealable by subdivision (a).

(c) From an order changing or refusing to change the place of trial.

(d) From an order granting a motion to quash service of summons or granting a motion to stay or dismiss the action on the ground of inconvenient forum.

(e) From an order granting a new trial or denying a motion for judgment notwithstanding the verdict.

(f) From an order discharging or refusing to discharge an attachment.

(g) From an order granting or dissolving an injunction, or refusing to grant or dissolve an injunction.

(h) From an order appointing a receiver.

(i) From a judgment of the small claims court as provided in Chapter 5A (commencing with Section 116) of Title 1 of Part 1 of this code.

SEC. 23. Section 904.3 of the Code of Civil Procedure is amended to read:

904.3. An appeal may be taken from a justice court in the following cases:

(a) From a judgment, except (1) an interlocutory judgment, or (2) a judgment of contempt which is made final and conclusive by Section 1222.

(b) From an order made after a judgment made appealable by subdivision (a).

(c) From an order changing or refusing to change the place of trial.

(d) From an order granting a motion to quash service of summons or granting a motion to stay or dismiss the action on the ground of inconvenient forum.

(e) From an order denying a motion for judgment notwithstanding the verdict.

(f) From an order discharging or refusing to discharge an attachment.

(g) From an order appointing a receiver.

(h) From a judgment of the small claims court as provided in Chapter 5A (commencing with Section 116) of Title 1 of Part 1 of this code.

SEC. 24. Section 989 of the Code of Civil Procedure is amended to read:

989. When a judgment is recovered against one or more of several persons, jointly indebted upon an obligation, by proceeding as provided in Section 410.70, those who were not originally served with the summons, and did not appear in the action, may be summoned to appear before the court in which such judgment is entered to show cause why they should not be bound by the judgment, in the same manner as though they had been originally served with the summons.

SEC. 25. Section 1167 of the Code of Civil Procedure is amended to read:

1167. The summons shall be in the form specified in Section 412.20 except that the defendant's time to respond to the complaint is three days after the summons is served upon him.

In all other respects the summons shall be issued and served and returned in the same manner as a summons in a civil action.

SEC. 26. Section 1200.1 of the Code of Civil Procedure is amended to read:

1200.1. (a) The surety or sureties on any bond given pursuant to any of the provisions of this chapter shall not be exonerated or released from the obligation of the bond by any change, alteration, or modification in or of any contract, plans, specifications, or agreement pertaining or relating to any scheme or work of improvement or pertaining or relating to the furnishing of labor, materials, or equipment therefor, nor by any change or modification of any terms of payment or extension of the time for any payment relating or pertaining to any scheme or work of improvement, nor by any rescission or attempted rescission of any such contract or agreement, nor by rescission or attempted rescission of the bond, nor by any conditions precedent or subsequent in the bond attempting to limit the right of recovery of laborers or materialmen otherwise entitled to recover under any such contract or agreement or under the bond, nor, where the bond is given for the benefit of laborers, materialmen, or other persons entitled to claim a lien under this chapter, by any fraud practiced by any person other than such laborer, materialman, or like person as is seeking to recover on the bond.

(b) All bonds given pursuant to the provisions of this chapter will be construed most strongly against the surety and in favor of all persons for whose benefit such a bond is given, and under no circumstances shall a surety be in anywise released from liability to the laborers or materialmen or persons furnishing appliances, teams, or power, for whose benefit the bond has been written, by reason of any breach of contract between owner and contractor or on the part of any obligee

named in the bond, but the sole condition of recovery on the part of such person furnishing labor or material or appliances, teams, or power, as aforesaid, shall be that the labor or material has been used or consumed in or the appliances, teams, or power have contributed to the work of improvement to which the bond refers, and that the third person for whose benefit the bond has so been made to inure has not been actually paid some part or all of the sums due him for the same.

(c) No provisions in any of the bonds given pursuant to any of the provisions of this chapter attempting by contract to shorten the period prescribed for the commencement of an action thereon, as laid down in Section 337, shall be valid if such provision attempts to limit the time for commencement of action thereon to a shorter period than six months from the completion of the structure or work of improvements, as "completion" is defined in Article 3 (commencing with Section 1193) of this chapter, nor shall any provision in any of the bonds attempting to limit the period for the commencement of actions thereon be valid insofar as actions brought by persons furnishing labor or materials, appliances or teams or power, as aforesaid, are concerned, unless the bond be filed for record, before the work of improvement is commenced, with the county recorder of the county or city and county in which the property referred to therein, or some part thereof, is situated.

(d) In case the surety or sureties on any bond given as in this chapter provided shall have caused the bond to be recorded in the office of the county recorder of the county in which the property is situated before the work of improvement is completed, then no action may be maintained thereon unless there shall previously have either been filed a mechanic's lien claim as in this chapter provided or unless written notice shall previously have been given to the surety on the bond before the expiration of the time prescribed in this chapter for filing a lien to enforce such claim, which notice shall state that the person giving such notice has performed labor or furnished materials, or both, or furnished appliances, teams, or power, 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, materials, appliances, teams, or power 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. The filing of an action to foreclose such lien shall not be a condition precedent to a recovery on the bond. If the bond has been so recorded as herein last provided, then any suit brought against such surety or sureties shall be filed within six months after completion of the structure or work of improvement, as "completion" is defined in Article 3 (commencing with Section 1193) of this chapter.

(e) The written notice to be given to the surety or sureties hereinabove provided for may be given by delivery thereof

personally to, or by depositing same in the mail, postage prepaid, and registered, addressed as follows:

(1) If to an individual surety, at his residence or place of business, if known.

(2) If to an individual surety and his residence is unknown, then in care of the county clerk of the county in which the bond has been so filed.

(3) At the place designated as the residence of the surety in the certificate, if any, filed by such surety or sureties as provided by Section 1163 of the Civil Code.

(4) If to a corporate surety, at the office or care of the agent designated by the surety in the bond as the address to which such notice shall be sent.

(5) At the office or care of any officer of the surety in this state.

(6) At the office of or care of the statutory agent of the surety in this state.

(7) By service in the manner provided by law for the service of a summons in a civil action.

(f) Any bond given pursuant to any of the provisions of this chapter which otherwise fully complies therewith shall be conclusively presumed a good and sufficient bond if the surety thereon is a corporation duly authorized to issue surety bonds in this state.

SEC. 27. Section 1245.2 of the Code of Civil Procedure is amended to read:

1245.2. A summons may be issued which contains only the names of the defendants to be served therewith and a description or descriptions of only the property sought to be condemned against the defendants. Judgment based on failure to appear and answer after service of such summons shall be conclusive against such defendants in respect only to the property described in such summons.

SEC. 28. Section 2015.3 is added to the Code of Civil Procedure, to read:

2015.3. The certificate of a sheriff, marshal, or constable has the same force and effect as his affidavit.

SEC. 29. Section 2416 of the Corporations Code is amended to read:

2416. The setting aside, modification, or reversal of a judgment or order of court pursuant to and in accordance with which a transfer of a certificate for shares or a registered bond or other security has been registered by a corporation or its transfer agent does not subject the corporation, its transfer agent, or its registrar to any liability whatsoever, unless, prior to the registration of the new certificate, registered bond, or other security, written notice is served upon the corporation or its transfer agent in the manner provided by law for the service of a summons in a civil action, stating that an appeal or other further court proceeding has been or is to be taken from or with regard to such judgment or order of court.

After the service of such notice neither the corporation nor its transfer agent has any duty to register the requested transfer or deliver the new certificate, registered bond, or other security until the corporation or its transfer agent has been given a certificate of the county clerk of the county in which the judgment or order of court was given or made, showing that the judgment or order of court has become final.

SEC. 30. Section 3300 of the Corporations Code is amended to read:

3300. In addition to the provisions of Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, process may be served upon domestic corporations as provided in this part.

SEC. 31. Section 3302 of the Corporations Code is amended to read:

3302. If designation of an agent for the purpose of service of process has not been filed with the Secretary of State, or if the agent designated cannot with reasonable diligence be found at the address designated for delivery by hand of the process, and it is shown by affidavit to the satisfaction of a court or judge that process against a domestic corporation cannot be served with reasonable diligence upon the designated agent by hand or upon the domestic corporation in the manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or subdivision (a) of Section 415.20 of the Code of Civil Procedure, the court or judge may make an order that the service be made upon the corporation by delivering by hand to the Secretary of State, or to any person employed in his office in the capacity of assistant or deputy, one copy of the process for each defendant to be served, together with a copy of the order authorizing such service. Service in this manner constitutes personal service upon the corporation.

SEC. 32. Section 3305.1 of the Corporations Code is amended to read:

3305.1. Every corporation which was dissolved before, on, or after August 14, 1929, or which was suspended or shall hereafter be suspended, or which has forfeited or which shall hereafter forfeit its charter, for any cause, whether voluntary or involuntary, shall survive and continue to exist indefinitely for the purpose of being sued in any quiet title action. In the event any such corporation has been sued or shall hereafter be sued in any such quiet title action, such action against the corporation shall be deemed to be an action against all of its stockholders or members or other persons having or holding any equity or other interest in such corporation and any judgment rendered in any such action shall bind each and all of such persons, to the extent of their interest, if any, therein. Any such action against the corporation, proceeded with in the name of or against the corporation in the corporate name, shall have the same force and effect as an action which is brought under the provisions of Sections

410.50 and 410.60 of the Code of Civil Procedure. Service of summons or other process in any such action may be made as provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure, or as provided in Section 3302 of this code.

SEC. 33. Section 24007 of the Corporations Code is amended to read:

24007. If designation of an agent for the purpose of service of process has not been made as provided in Section 24003, or if the agent designated cannot with reasonable diligence be found at the address specified in the index referred to in Section 24004 for delivery by hand of the process, and it is shown by affidavit to the satisfaction of a court or judge that process against an unincorporated association cannot be served with reasonable diligence upon the designated agent by hand or the unincorporated association in the manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or subdivision (a) of Section 415.20 of the Code of Civil Procedure, the court or judge may make an order that service be made upon the unincorporated association by delivery of a copy of the process to any one or more of the association's members designated in the order and by mailing a copy of the process to the association at its last known address. Service in this manner constitutes personal service upon the unincorporated association.

SEC. 34. Section 370 of the Probate Code is amended to read:

370. Any person interested may contest the will by filing written grounds of opposition to the probate thereof at any time before the hearing of the petition for probate, and thereupon a citation shall be issued directed to the heirs of the decedent and to all persons interested in the will, including minors and incompetents, wherever residing, directing them to plead to the contest within 30 days after service of the citation, which shall be made in the manner provided by law for the service of a summons in a civil action. Any person so served may demur to the contest upon any of the grounds of demurrer available in civil actions. If the demurrer is sustained, the court may allow the contestant a reasonable time, not exceeding 10 days, within which to amend his contest. If the demurrer is overruled, the petitioner and others interested, within 10 days after the receipt of written notice thereof, may jointly or separately answer the contest.

SEC. 35. Section 1101 of the Probate Code is amended to read:

1101. Such petition may be filed with the clerk at any time after the time to file or present claims has expired, and before the distribution of the property to be affected has been ordered. It shall describe the property and give the names of the persons having or claiming the undivided interests and shall state what those interests are, so far as known to the petitioner.

Thereupon a citation shall be issued by the clerk directed to the persons, other than the petitioner, who are entitled to distribution of the undivided interests, and to the executor or administrator, directing them to answer the petition within 30 days after service of the citation. The citation shall be served in the manner provided by law for the service of a summons in a civil action. If there is unreasonable delay in serving the citation, the court may dismiss the proceeding.

SEC. 36. Section 1435.5 of the Probate Code is amended to read:

1435.5. Upon the filing of the petition the clerk shall set the petition for hearing by the court and, except as later in this section provided, shall issue a citation directed to the spouse or spouses not petitioning, setting forth the time and place of such hearing. Notice of the hearing shall be given as hereinafter provided. The citation and a copy of the petition shall be served on the spouse or spouses not petitioning, whether within or without the state, in the manner provided by law for the service of a summons in a civil action, other than by publication, at least 10 days before the hearing if served within the state, otherwise three weeks before the hearing.

In the event the citation and copy of the petition cannot, with reasonable diligence, be so served on a spouse, service of the citation may be made by publication pursuant to Section 415.50 of the Code of Civil Procedure. No copy of the petition need then be served on such spouse.

Notice of the hearing of the petition shall give the name or names of the incompetent persons, the name of the petitioner and the purpose for which the order is sought, referring to the petition for further particulars, and notifying all interested persons to appear at the time and place mentioned in the notice and show cause, if any they have, why the order should not be made.

If there is a guardian of the estate of a spouse, no citation to such spouse need be issued if a copy of the notice and of the petition be served upon such guardian in the manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court at least 10 days before the hearing. It shall be the duty of such guardian so served to appear and represent the interests of his ward.

A copy of the notice and petition shall be mailed, by the petitioner, by prepaid, first-class mail, at least 10 days before the hearing, to the adult relatives named in the petition at their addresses set forth in the petition.

If there is no guardian of the estate of the incompetent spouse to whom the citation is issued or if such guardian cannot be served as otherwise provided for in this section, a copy of such notice and petition shall be served personally upon the public guardian or public administrator of the county

in which the petition was filed or upon his deputy or assistant in the manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or subdivision (a) of Section 415.20 of the Code of Civil Procedure at least 10 days prior to the hearing and it shall be the duty of such public guardian or administrator to appear and represent the interests of such incompetent spouse. For all such services rendered by the public guardian or administrator he may be allowed a reasonable fee, to be fixed by the court, which fee shall be paid out of the cash proceeds of the transaction or otherwise as the court shall direct.

SEC. 37. Section 1754 of the Probate Code is amended to read:

1754. Any person or any relative or friend of any person, other than a creditor of the proposed conservatee, may file a verified petition alleging that the appointment of a conservator is required. The petition shall set forth, so far as they are known to the petitioner, the names and residences of the spouse, if any, and of the relatives of the proposed conservatee within the second degree. Upon the filing of the petition, the clerk shall set the petition for hearing by the court. Notice of the nature of the proceedings and of the time and place of the hearing on the petition shall be mailed by the petitioner to the spouse, if any, and to each of such relatives at least fifteen (15) days before such hearing date. If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of the hearing. The citation, and a copy of the petition, shall be served upon the proposed conservatee in the same manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court, at least ten (10) days before the time of the hearing. The proposed conservatee, if he is the petitioner, or if he is in the state at date of service and, if able to attend, shall be produced at the hearing, and, if not able to attend by reason of physical or other inability, such inability shall be established by the affidavit or certificate of a duly licensed medical practitioner. Whenever a notice to any officer or agency of this state or of the United States would be required upon a petition for the appointment of a guardian of an alleged incompetent person a like notice shall be given of a petition under this chapter. Any such officer or agency or any relative or friend of such person or the proposed conservatee may appear and oppose the petition.

SEC. 38. 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 representa-

tive 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 superior court of the county in which the proceedings are pending to have the conservatorship terminated. The 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 be 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. Such service shall be made in the manner provided for in Section 415.10 or 415.30 of the Code of Civil Procedure or in such manner as may be authorized by the court. If the conservator cannot, with reasonable diligence, be so served with notice, 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 the 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.

SEC. 39. Section 3599 of the Revenue and Taxation Code is amended to read:

3599. The summons shall contain the matters required by Section 412.20 of the Code of Civil Procedure and in addition a description of the property and a statement of the object of the action. The defendants shall be designated as in the complaint.

Copies of the original summons may be issued containing a description of any portion of the real property less than the total described in the original complaint and summons.

SEC. 40. Section 3601 of the Revenue and Taxation Code is amended to read:

3601. If the affidavit discloses any defendants whose address is known to the district attorney, service on such defendants shall be made by any of the following:

(a) Delivering a copy of the summons to the defendant personally.

(b) Leaving a copy of the summons with a person over the age of 16 years at the usual place of residence or business of the defendant, or, if there is no person over 16 years of age present at the time service is made, by posting the copy of the

summons in a conspicuous place at the usual place of residence or business.

(c) If neither the usual place of residence nor the usual place of business of the defendant is in the county in which the action is brought, the court may direct the copy of the summons to be sent to the defendant by mail to his usual place of residence or business.

SEC. 41. Section 3602 of the Revenue and Taxation Code is amended to read:

3602. All other defendants shall be served by publication as provided for in Section 415.50 of the Code of Civil Procedure, but the affidavit need only state that the district attorney does not know and has not been informed of the whereabouts of any defendant who cannot be found.

SEC. 42. Section 3957 of the Revenue and Taxation Code is amended to read:

3957. Any summons that is issued shall contain the matters required by Section 412.20 of the Code of Civil Procedure, and in addition, a description of the property and a statement of the object of the action. In the summons, the unknown defendants shall be designated as they are in the complaint.

SEC. 43. Section 3959 of the Revenue and Taxation Code is amended to read:

3959. All known defendants shall be served in the manner provided by law for the service of a summons in a civil action.

SEC. 44. Section 3960 of the Revenue and Taxation Code is amended to read:

3960. All unknown defendants shall be served by publication as provided for in Section 415.50 of the Code of Civil Procedure. but it must appear by affidavit that the plaintiff used reasonable diligence to ascertain the identity of the unknown defendants and to ascertain the identity of any persons sued as heirs and devisees.

SEC. 45. Section 6611 of the Streets and Highways Code is amended to read:

6611. The action may be brought also at any time following the expiration of 30 days after the service of personal demand for payment upon the owner of the premises. Such demand shall be served in the manner provided by law for the service of a summons in a civil action. If the action is brought costs for the service of the demand shall be allowed in an amount equivalent to the fees prescribed by law for the service of summons.

The demand shall be in substantially the following form:

"Demand for Payment of Street Improvement Bond

You are hereby notified that Bond No. _____ Series No. _____ for an improvement in the City (or County) of _____ is delinquent. Unless the amount of the unpaid principal on said bond together with interest and penalties is paid to the city (or county) treasurer on or before 30 days

after the service on you of this demand, the date of such service being this _____ day of _____, 19__, the undersigned will institute suit to foreclose the lien of said bond in the manner prescribed by law."

SEC. 46. Sections 1 to 51, inclusive, of this act shall become operative only if Senate Bill No. 503 of the 1969 Regular Session is enacted, and, in such case, at the same time as Senate Bill No. 503 becomes operative. Section 52 of this act shall become operative only if S.B. 503 is enacted, and shall become operative on the 61st day after adjournment of the 1969 Regular Session of the Legislature.

SEC. 47. Section 3.5 of this act shall become operative only if S.B. 316 of the 1969 Regular Session is enacted and adds Section 3241 to the Civil Code, and in such case, shall become operative at the same time as S.B. 316 becomes operative, at which time Section 1200.1 of the Code of Civil Procedure as amended by Section 26 of this act is repealed.

SEC. 48. Except as otherwise provided in Section 50, it is the intent of the Legislature, if the amendments to Section 585 of the Code of Civil Procedure proposed by both this bill and S.B. 574 are enacted, that both amendments be given effect and incorporated in Section 585 in the form set forth in Section 6.3 of this act. Therefore, in the event S.B. 574 is enacted and amends Section 585, Section 6.3 of this act shall become operative at the same time as Sections 1 to 51, inclusive, of this act become operative, and at that time, Section 585 of the Code of Civil Procedure as amended by Section 6 of this act is repealed.

SEC. 49. Except as otherwise provided in Section 50, it is the intent of the Legislature, if the amendments to Section 585 of the Code of Civil Procedure proposed by both this bill and A.B. 1706 are enacted, that both amendments be given effect and incorporated in Section 585 in the form set forth in Section 6.5 of this act. Therefore, in the event A.B. 1706 is enacted and amends Section 585, Section 6.5 of this act shall become operative at the same time as Sections 1 to 51, inclusive, of this act become operative, and at that time, Section 585 of the Code of Civil Procedure as amended by Section 6 of this act is repealed.

SEC. 50. It is the intent of the Legislature, if the amendments to Section 585 of the Code of Civil Procedure proposed by this bill, S.B. 574, and A.B. 1706 are enacted, that all such amendments be given effect and incorporated in Section 585 in the form set forth in Section 6.7 of this act. Therefore, in the event both S.B. 574 and A.B. 1706 are enacted and amend Section 585, Section 6.7 of this act shall become operative at the same time as Sections 1 to 51, inclusive, of this act become operative, and at that time, Section 585 of the Code of Civil Procedure, as amended by Sections 6, 6.3, and 6.5 of this act, is repealed.

SEC. 51. It is the intent of the Legislature, if the amendments to Section 586 of the Code of Civil Procedure proposed

by both this bill and S.B. 574 are enacted, that both amendments be given effect and incorporated in Section 586 in the form set forth in Section 7.5 of this act. Therefore, in the event S.B. 574 is enacted and amends Section 586, Section 7.5 of this act shall become operative at the same time that Sections 1 to 51, inclusive, of this act become operative, and at that time, Section 586 of the Code of Civil Procedure as amended by Section 7 of this act is repealed.

SEC. 52. In the event of the enactment of either S.B. 574 or A.B. 1706, or of both S.B. 574 and A.B. 1706, it is the intention of the Legislature that the amendments to Section 585 or 586 of the Code of Civil Procedure proposed by either or both of such bills, as the case may be, shall be operative until Sections 1 to 51, inclusive, of this act become operative, at which time Sections 585 and 586 of the Code of Civil Procedure as amended by either or both such bills, as the case may be, shall no longer be operative. Nothing in this section shall be construed as affecting the application of Section 9605 of the Government Code to the enactment of both S.B. 574 and A.B. 1706 in the event both such bills are enacted.

CHAPTER 1612

An act to amend Section 6812.5 of the Education Code, relating to the education of physically handicapped minors, declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 5, 1969 Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard of hearing, or blind, as determined by the State Board of Education, and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf, severely hard-of-hearing. or blind pupils as prescribed by rules and regulations of the State Board of Education.

Notwithstanding any provision of this code to the contrary, attendance of deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the school district or county superintendent

of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by 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:

In order for the programs to be offered to blind minors under this act at the beginning of the school year and for the necessary personnel to be hired before the beginning of the programs, it is necessary that this act go into immediate effect.

CHAPTER 1613

An act to amend Section 7.6 of the Government Code, relating to government officers.

[Approved by Governor September 5, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 7.6 of the Government Code is amended to read:

7.6. Whenever, by any law, any officer whose office is created by the Constitution is made a member of a state board, commission, or committee, or of the governing body of any state agency or authority, such officer may designate a deputy of his office holding a position specified in subsection (5) or subsection (6) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as such member in his place and stead, to all intents and purposes as though he were personally present, including the right of the deputy to be counted in constituting a quorum, to participate in the proceedings of the board, commission, committee or other governing body, and to vote upon any and all matters. The constitutional officer so

designating a deputy shall be responsible for the acts of the deputy acting under such designation in the same manner and to the same extent that the constitutional officer is responsible for the acts of the deputy performing his official duties as a deputy of the office of the constitutional officer.

The Lieutenant Governor may designate any person in his office holding a position specified in subsection (5) of subdivision (a) of Section 4 of Article XXIV of the Constitution to act as a deputy for the purposes of this section only, provided that the Lieutenant Governor may not appoint a person to act as a deputy for him at meetings of the Senate, or the State Lands Commission, or of the Regents of the University of California, or of the Trustees of the California State Colleges.

Notwithstanding the foregoing provisions of this section, not more than one officer subject to this section shall be represented by a deputy subject to this section at any meeting or session of the State Lands Commission.

CHAPTER 1614

An act to amend Section 8046 of the Fish and Game Code, relating to the Marine Research Committee and the support thereof.

[Approved by Governor September 5, 1969. Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1970.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

SEC. 2. The Marine Research Committee shall not be affected by the provisions of Reorganization Plan No. 1 of 1969. The Legislative Counsel shall exclude any provisions of Reorganization Plan No. 1 of 1969 affecting the Marine Research Committee in preparing the bill required pursuant to Section 12081 of the Government Code.

CHAPTER 1615

An act to amend Section 85 of, to add Section 216 to, and to repeal Section 196b of, the Civil Code, relating to children.

[Approved by Governor September 4, 1969 Filed with Secretary of State September 6, 1969.]

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

SECTION 1. Section 85 of the Civil Code is amended to read:

85. The issue of a marriage which is void or annulled or dissolved by divorce is legitimate.

As used in this section, "issue" includes any child within Section 216.

SEC. 1.5. Section 196b of the Civil Code is repealed.

SEC. 2. Section 216 is added to the Civil Code, to read:

216. A child born to a woman as a result of conception through artificial insemination to which her husband has consented in writing, is legitimate if the birth occurs during the marriage or within 300 days after the marriage has been dissolved.

CHAPTER 1616

An act to add Section 4709 to the Labor Code, relating to college scholarships for dependents of peace officers, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

I object to the $11,000 appropriation in Assembly Bill No. 473, and I hereby eliminate this appropriation from the bill.
With this deletion, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Section 4709 is added to the Labor Code, to read:

4709. Notwithstanding any other provisions of law to the contrary, each dependent of any chief of police, police officer, sheriff, deputy sheriff, marshal or deputy marshal of the municipal courts, or member of the California Highway Patrol who is killed in the performance of his duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, when such death, accident or injury is compensable under this division or Division 4.5 (commencing with Section 6100) of this code, shall be entitled to a scholarship for a state college or any university in the State of California to include payment of tuition, monthly allowance, books and supplies, to a maximum of six thousand dollars ($6,000) over a period not to

exceed six years, with a maximum of one thousand five hundred dollars ($1,500) per year if he has demonstrated his financial need for such scholarship. This shall not preclude any other benefits provided by law.

Nothing in this section shall be interpreted to allow the admittance of such dependent into a state college or university unless such dependent is otherwise qualified to gain admittance to such college or university.

As used in this section, "dependent" means the children (natural or adopted), at the time of his death, of the peace officer who is killed, or who receives injuries which result in his subsequent death.

The scholarships provided by this section shall be paid out of funds appropriated to the State Scholarship and Loan Commission established by Chapter 3 (commencing with Section 31201) of Division 22 of the Education Code, and the commission shall adopt the necessary regulations therefor.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of eleven thousand dollars ($11,000) to the State Scholarship and Loan Commission for the purposes of this act.

CHAPTER 1617

An act to add Article 2.6 (commencing with Section 13245) to Chapter 2 of Division 10 of the Education Code, relating to the public schools, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

I object to the $100,000 appropriation contained in Assembly Bill No. 741, and I hereby reduce this appropriation from $100,000 to $10,000. With this reduction, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Article 2.6 (commencing with Section 13245) is added to Chapter 2 of Division 10 of the Education Code, to read:

Article 2.6. The Certified Master Teacher Law of 1970

13245. It is the intent and purpose of the Legislature, by the provisions of this article, to encourage teachers employed in the public schools to attain excellence in their profession, and to provide them with incentives to that end in the form of both special recognition and material reward.

The Legislature has determined that in the education of our youth the role of the teacher is paramount, and that all other functions in school operation are secondary and supportive to the teacher's role. It has come to the attention of the Legis-

lature that in recent years the departure from the classroom of eminently qualified teachers has occurred at an alarmingly accelerated pace, and that such persons have felt compelled to enter upon nonteaching careers in order to secure the personal recognition and material rewards which their ability as educators can command. The provisions of this article are directed, therefore, to the restoration of the teacher and the teaching profession, as such, to their rightful position of primary importance in the structure of the educational system.

13246. The Superintendent of Public Instruction shall establish a three-year master teacher selection pilot program in two school districts designated by a committee consisting of the superintendent, the Director of Finance, a Senator appointed by the Senate Rules Committee, and an Assemblyman appointed by the Speaker of the Assembly.. The pilot program shall commence on September 1, 1970, and shall terminate on August 31, 1973, and shall be implemented in accordance with the following schedule:

(a) 1969–1970, organization of the program and selection of master teachers.

(b) 1970–1971, payment of the extra stipend to selected master teachers and selection of additional teachers.

(c) 1971–1972, payment of the extra stipend to all teachers certified as master teachers and evaluation of the program.

The designated school districts shall be unified school districts which have certificated teaching staffs of not less than 200 nor more than 650, excluding those involved in adult education, who spend 80 percent of their teaching time in the classroom. The two unified school districts shall be located in separate geographical areas of the state.

13246.1. The Members of the Legislature appointed to the committee pursuant to Section 13246 shall meet with, and participate in, the work of the committee 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 committee shall serve at the pleasure of the appointing power. For purposes of this article, such Members of the Legislature shall constitute a joint legislative committee on the subject of this article and shall have the powers and duties imposed upon such committee by the Joint Rules of the Senate and Assembly.

13246.5. A master teacher selection panel shall be established by the county superintendent of schools in each of the counties where the school districts are located. Each panel shall be composed of the following members:

(a) One member of the governing board of the school district, selected by the governing board.

(b) One administrator who is a superintendent or principal in the school district, selected by the governing board.

(c) Two elementary certificated employees of the school district who spend 80 percent of their teaching time in the class-

room, selected by the elementary certificated employees of the school district voting in a secret ballot election held not later than October 15, 1970.

(d) Two secondary certificated employees of the school district who spend 80 percent of their teaching time in the classroom, selected by the secondary certificated employees of the school district voting in a secret ballot election held not later than October 15, 1970.

(e) Two public members who are not officers or employees of the school district, selected by the county superintendent of schools.

The county superintendent of schools shall serve as the chairman of the panel.

Any vacancies on the panel shall be filled by the appropriate appointing authority in the manner specified in this section.

13247. The criteria for the selection of certified master teachers shall be established by the panel and shall require at least:

(a) A master's degree in an academic field, or the equivalent, to be determined by the master teacher selection panel, of a master's degree in vocational subjects for which master's degrees are not usually awarded, or successful completion of the competence examination prescribed in Assembly Bill 740 of the 1969 Regular Session of the Legislature, if enacted;

(b) Eight years of total teaching experience, with four years of teaching experience in the district;

(c) The demonstration of distinctly superior teaching ability.

13247.5. The criteria for the selection of certified master teachers shall be published by the Superintendent of Public Instruction and shall be available free of charge to all certificated employees of the school districts designated to participate in this pilot program.

13247.8. Each master teacher selection panel shall receive applications, to be filed by January 1 of the school year, from public school teachers, submitted in the form prescribed by the panel and accompanied by a one-hundred-dollar ($100) fee, requesting that the applicant be certified as a certified master teacher.

13247.9. The master teacher selection panel shall appoint for each applicant for a master certificate not less than two, nor more than three, certificated employees from a school district other than the participating school district and who spend at least four-fifths of their teaching time in a classroom, who shall inquire into the professional competence of the applicant. The appointed certificated employees need not be residents of the county in which the participating school district is located. These appointed certificated employees shall be known as examiner teachers and shall be appointed by February 1 of the school year.

The examiner teachers shall sign affidavits stating that they have no specific knowledge of the applicant for certification as master teachers, either personally or professionally.

The examiner teachers shall make a written report on the applicant's professional competence to the county superintendent of schools and the master teacher selection panel not later than June 1st of the school year.

The examiner teachers shall talk with other teachers in the school where the applicant is employed, other teachers in the school district, the principal of the school where the applicant is employed, and other administrators, parents, and students who may have specific knowledge of the applicant's professional qualities. The examiner teacher shall also consider evidence of relative gains made by pupils taught by the applicant, as measured by standardized tests.

Upon a favorable recommendation by the examiner teachers, the master teacher selection panel, by majority vote of those present and voting, shall issue a certificate designating the applicant as a certificated master teacher.

The examiner teachers shall be reimbursed for travel in connection with such inquiry at a rate to be determined by the county superintendent of schools. Examiner teachers shall be granted time off without loss of pay for not to exceed three schooldays during any school year. The employing school district shall be reimbursed by the county superintendent of schools of the county of the master teacher selection panel for the salary of substitute teachers hired for the examiner teachers.

13248. Any school district which employs a certified master teacher shall pay the teacher an additional stipend of four thousand dollars ($4,000) per school year over and above the regular salary which would otherwise be paid to the teacher.

From moneys appropriated therefor, the Superintendent of Public Instruction shall order reimbursements to be made in each fiscal year to each school district the total of additional stipends paid to certified master teachers in such fiscal year by the district.

13249. The governing board of any school district participating in the program may receive and expend funds from any other public or private agency for purposes of this article.

13249.5. On or before the fifth legislative day of the 1973 Regular Session, the designated school districts through the Superintendent of Public Instruction shall submit to the Legislature a comprehensive report on all phases of the experimental program provided by this article, and shall include therein his recommendations relating to the establishment of the certified master teacher program throughout the state.

SEC. 2. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the General Fund in the State Treasury to the Superintendent of Public Instruction for purposes of this act for the 1969–1970 and 1970–1971 fiscal

years, with a maximum of five thousand dollars ($5,000) allocated for administrative expenses in administering this act.

Federal funds received for purposes of this act and any examination and application fees received pursuant to this act, shall be deemed to be in augmentation of the appropriation and the disposition and expenditure thereof shall be in accordance with the laws applicable to the appropriation.

CHAPTER 1618

An act to amend Section 210 of the Health and Safety Code, relating to drug abuse research, and making an appropriation therefor.

[Approved by Governor September 4, 1969. Filed with Secretary of State September 6, 1969.]

I object to the $85,000 appropriation contained in Assembly Bill No. 2204, and I hereby reduce this appropriation from $85,000 to $30,000. With this reduction, I approve the bill.

RONALD REAGAN, Governor

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

SECTION 1. Section 210 of the Health and Safety Code is amended 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, 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, and may evaluate programs of research, treatment, and education with respect to drug abuse. 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, including specific recommendations with respect to evaluation of programs of research, treatment, and education, with respect to drug abuse.

SEC. 2. The sum of eighty-five thousand dollars ($85,000) is appropriated to the Regents of the University of California from the General Fund for expenditure in implementing the changes made in Section 210 of the Health and Safety Code by this act.

CHAPTER 1619

An act to add Section 6560.2 to the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor September 6, 1969. Filed with Secretary of State September 7, 1969]

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

SECTION 1. Section 6560.2 is added to the Business and Professions Code, to read:

6560.2. (a) Notwithstanding any provision of this chapter, any licensed cosmetological establishment in this state which immediately prior to November 8, 1967, represented itself to the public as being primarily engaged in serving patrons with both cosmetological services and barbering services, including representations that it performed haircutting on males or females, or both males and females, may make such representations to the public if such establishment applies for and obtains a certificate to conduct a barbershop as provided in subdivision (b).

(b) Upon proof satisfactory to the board that the establishment has complied with Sections 6549.1 and 6549.6 and with subdivision (a) of this section, the board shall issue a certificate to operate a barbershop.

(c) Upon proof satisfactory to the board, any licensed cosmetologist who had been engaged in performing acts of barbering in an establishment as defined in subdivision (a) of this section for a period of at least one year immediately prior to November 8, 1967, may apply for and shall be issued a certificate to practice barbering upon paying the required fee.

(d) For the purpose of this section, barbering services or acts of barbering means haircutting plus one or more of the following acts: shampooing, scalp massaging, scalp treatments, using oils or lotions, or arranging, dressing, curling, waving, dyeing, bleaching, or other combinations of acts as set forth in Section 6520.

(e) No application for a certificate under this section shall be received after the expiration of 90 days from the effective date of this section.

CONCURRENT AND JOINT RESOLUTIONS AND
CONSTITUTIONAL AMENDMENTS

REGULAR SESSION
1969

CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

Adopted at the 1969 Regular Session of the Legislature

RESOLUTION CHAPTER 1

Assembly Concurrent Resolution No. 6—Approving an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal charter amendment election of the City of Alameda held therein on the fifth day of November, 1968, which said election was duly consolidated with the general election of the State of California held on said date.

[Filed with Secretary of State January 15, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of an amendment to the Charter of the City of Alameda, a municipal corporation in the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALAMEDA OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Alameda } ss.
City of Alameda }

We, the undersigned, William M. McCall, Mayor of the City of Alameda, and Shirley H. Tennier, City Clerk of the City of Alameda, do hereby certify and declare as follows:

That the City of Alameda, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the 5th day of May, 1937 has been and is now organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 29th day of April, 1937, and approved

by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 5th day of May, 1937 (Statutes of 1937, page 2880).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Alameda, being the legislative body thereof, on its own motion by Resolution No. 7371, adopted on August 20, 1968, duly and regularly submitted to the qualified electors of said City one proposal to amend the Charter of the City of Alameda and to be voted on by said qualified electors at a special municipal charter amendment election by said Resolution called for said purpose in said City on the 5th day of November, 1968, and consolidated with the General Election of the State of California held on said date.

The said proposal was published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Alameda, on the 23rd day of September, 1968, in the Alameda Times-Star, a newspaper of general circulation published daily except Sunday in the said City of Alameda and the official newspaper of said City, and in each edition thereof during said day of publication.

The said Council caused a copy of said proposal to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, beginning on October 1, 1968, advertised in said Alameda Times-Star daily, except Sunday, until the day fixed for said election, a notice that copies of said proposal could be had on application therefor at the office of the City Clerk of said City and that printed copies of said proposal were on hand and could be had on application therefor at said office of said City Clerk from October 1, 1968, up to and including the day fixed for said election.

The said special municipal charter amendment election of the City of Alameda, consolidated as aforesaid, was duly called, held and conducted in the time, form and manner required by the Charter of the said City and by law on said 5th day of November, 1968, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Alameda Times-Star.

That the Council of said City of Alameda did, in the manner provided by law, duly and regularly canvass all ballots cast at said special municipal charter amendment election of the City of Alameda, consolidated as aforesaid, and did, by resolution duly adopted on December 3, 1968, duly find and declare that a majority of the qualified voters voting on said proposal voted in favor thereof and that said proposal to amend the Charter of said City was ratified.

That a majority of the qualified voters voting on said proposal voted in favor of the ratification of and did ratify said proposal to amend said Charter of said City.

That said Charter amendment so ratified by the majority of the qualified voters of said City voting at said special municipal charter amendment election is in the words and figures following, to-wit:

Charter Measure

By adopting a new Section 11-2 of Article XI of said Charter, which reads as follows:

"Sec. 11-2. Notwithstanding any other provision of this Charter to the contrary, the matters contained in this section shall be controlling as to the Board of Education. Commencing April 15, 1969, and thereafter, the Board of Education shall consist of five members elected by the qualified electors of the City at large, at the time, in the manner, and with the qualifications provided elsewhere in this Charter for the qualification, nomination and election of other elective officers of the City, and shall serve a term of four years thereafter and until their successors are elected and qualified.

"Of the five members of the Board of Education elected at the 1969 General Municipal Election, the three who receive the highest number of votes cast shall each serve an initial term of four years, and the two who receive the next two highest number of votes cast shall each serve an initial term of two years. At subsequent General Municipal Elections, either two or three members of said Board, as the case may be, shall be elected for four-year terms to fill the vacancies caused by the expiration of the terms of the members.

"A vacancy on the Board of Education, arising otherwise than as provided in Article XX, shall be filled by appointment by said Board, said appointee to hold office for the term provided in Section 2-8 of this Charter. After any vacancy in the office of member of said Board has continued for twenty-one days, the vacancy shall be filled by the Council.

"It is hereby declared to be the intent of this section that the only changes to be effected by its terms are to make the Board of Education elective, rather than appointed, and to provide the manner in which the members thereof shall be elected. Except to the extent that they are inconsistent with the provisions of this section, other provisions of this Charter relating to the Board of Education and other elective officers shall apply to the Board of Education provided for by this section."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Alameda with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the Charter of the City of Alameda is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this Certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Alameda to be affixed hereto this 18th day of December, 1968.

(SEAL)

WILLIAM M. MCCALL
Mayor of the City of Alameda
SHIRLEY H. TENNIER
City Clerk of the City of Alameda

WHEREAS, The said proposed charter amendment as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Alameda, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as amendment to and as part of the Charter of said City of Alameda.

RESOLUTION CHAPTER 2

Assembly Concurrent Resolution No. 7—Approving amendments to the Charter of the City of Seal Beach, County of Orange, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the fifth day of November, 1968.

[Filed with Secretary of State January 15, 1969]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Seal Beach, a municipal corporation in the County of Orange, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATION OF RATIFICATION BY ELECTORS OF THE CITY OF SEAL BEACH, CALIFORNIA, OF A CERTAIN CHARTER AMENDMENT

State of California }
County of Orange } ss
City of Seal Beach }

We, the undersigned, Lloyd E. Gummere, Mayor of the City of Seal Beach, County of Orange, State of California, and Jerdys Weir, City Clerk of the City of Seal Beach, do hereby certify and declare as follows:

That the City of Seal Beach, a municipal corporation of the County of Orange, State of California, now is and at all times herein mentioned was, a city having a population of more than thirty-five hundred (3,500) inhabitants and less than fifty thousand (50,000) inhabitants, and has been, since February 10, 1964, and is now organized and acting under a Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of such City at a special election held for that purpose on the 7th day of January, 1964, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of February, 1964.

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Seal Beach, being the legislative body thereof, duly and regularly submitted to the qualified electors of the said City of Seal Beach a certain proposal for the amendment of the Charter of said City, to be voted upon by said qualified electors at a Special Municipal Election held as provided for by law, in said City on the 5th day of November, 1968, which said proposal was designated as Proposed Charter Amendment.

That said proposed amendment was posted according to law and was advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the 25th day of September, 1968, in the Marina News, a newspaper of general circulation circulated in said City.

That said proposed charter amendment was submitted to the electors of said City for adoption and ratification at a special municipal election duly and regularly held in said City of Seal Beach on the fifth day of November, 1968, which said date was not less than forty more than sixty days after the completion of the posting and the advertising in the above-mentioned newspaper of the proposed charter amendment. That, in accordance with the provisions of the Elections Code of the State of California, the Council of the City of Seal Beach had adopted, on August 24, 1968, a Resolution Number 1706

wherein it requested the Board of Supervisors of Orange County, California, to order the consolidation of said special municipal election with the state-wide general election held in said County on November 5, 1968; that said consolidation had been so ordered by said Board of Supervisors; and that said special municipal election was so consolidated with said state-wide general election held in said county on said date.

That at said special municipal election a majority of the qualified electors voting upon said proposed charter amendment voted in favor of the amendment and adopted and ratified the same.

That said Amendment to the Charter so ratified by the electors of the City of Seal Beach is in words and figures as follows:

"Shall the proposed Amendment to the City Charter be adopted amending Sections 501, 802, and 803 to provide for the holding of primary municipal elections on the last Tuesday of March, or such other day as may be set by ordinance, in each even numbered year commencing with the year 1970, and for the fixing of terms of members of boards and commissions by ordinance."

That the Charter shall be worded as follows:

Section 501. Primary Nominating Elections.

Primary nominating elections shall be held in the City of Seal Beach on the last Tuesday in March in each even-numbered year commencing with the year 1970; provided, however, that by ordinance of the City Council, another day in the months of March or April of any even-numbered year may be fixed.

Section 802. Appointments. Terms.

The number of members to comprise such boards and commissions shall be specified by ordinance if not specified by this Charter. The members of each of such boards are commissioned and appointed and shall be subject to removal by motion of the City Council adopted by at least three affirmative votes. The members thereof shall be appointed from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government and shall serve for terms to be fixed by ordinance, and until their respective successors are appointed and qualified.

Section 803. Existing Boards.

The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors shall be appointed and qualified. The successors of such members shall be appointed for terms as prescribed in the preceding section.

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, and

exact copy thereof; we further certify that the facts set forth in the preamble preceding such amendment to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Seal Beach to be affixed hereto this 30th day of December, 1968

LLOYD E. GUMMERE
(SEAL) Mayor of the City of Seal Beach
California

Attest:
JERDYS WEIR
City Clerk

CERTIFICATE OF COUNTY CLERK TO RESULT OF THE CANVASS OF GENERAL ELECTION RETURNS

State of California } ss
County of Orange }

I, W. E. St John, County Clerk of Orange County, do hereby certify the following to be a full, true and correct Statement of the Vote of the City of Seal Beach Special Municipal Election consolidated with the General Election held November 5, 1968.

Measure Q—Proposed Charter Amendment
Yes: 9,481
No: 1,941

I hereby further certify that the whole number of votes cast for and against each measure as is set forth above appears in the Certified Abstract of Statement of the Vote entered in the Records of the Proceedings of the Board of Supervisors of the County of Orange, said records now in my custody.

Witness my hand and Official Seal this 29th day of November, 1968.

W. E. ST JOHN, County Clerk
(SEAL) By M. J. MAYER
Deputy

Exhibit "A"

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Seal Beach, County of Orange, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Seal Beach, County of Orange.

RESOLUTION CHAPTER 3

Assembly Concurrent Resolution No. 3—Approving certain amendments to the Charter of the City of Long Beach, State of California, ratified by the qualified electors of said city at a municipal election held therein November 5, 1968.

[Filed with Secretary of State January 15, 1969.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Long Beach, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF LONG BEACH AT A MUNICIPAL ELECTION HELD THEREIN NOVEMBER 5, 1968, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF LONG BEACH, STATE OF CALIFORNIA.

State of California }
County of Los Angeles } ss.
City of Long Beach }

We, Edwin W. Wade, Mayor of the City of Long Beach, and Margaret L. Moore, City Clerk of the City of Long Beach, do hereby certify as follows:

That said City of Long Beach, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Long Beach is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter adopted under the provisions of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of said City at a special election held therein on the 14th day of April, 1921, and approved by the Legislature of the State

of California and filed with the Secretary of State of the State of California on the 26th day of April, 1921, (Statutes of 1921, page 2054); and

That the legislative body of said City, namely, the City Council thereof, did, by motions duly adopted and pursuant to the provisions of Section 8, Article XI, of the Constitution of the State of California, duly vote to submit to the qualified electors of said City of Long Beach two amendments to the Charter of said City and ordered that said proposed amendments be submitted to said qualified electors of said City at a Special Municipal Election to be held in said City on the 5th day of November, 1968; and

That said two proposed amendments to be so submitted November 5, 1968, were designated as Propositions L and M, and were duly published the 6th day of September, 1968, in the Long Beach Independent and in each edition thereof during said date of publication; and

That said Long Beach Independent was, upon the date of said publication, and at all times since has been, and now is, a daily newspaper of general circulation within said City of Long Beach, and was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, published in said City and said newspaper was, upon the date of the publication of said proposed amendments, and at all times since has been and now is, the official newspaper of said City, and was the newspaper designated by said City Council for the publication of said proposed amendments; and

That said proposed amendments were duly and regularly printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said Long Beach Independent that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and regularly distributed in the manner provided by law; and

That said City Council did, by an ordinance designated as Ordinance No. C-4765, order the holding of said municipal election in said City of Long Beach on November 5, 1968, which date was not less than forty nor more than sixty days after the completion of the publication of said proposed amendments, as aforesaid, and that said ordinance was published at least three times in said Long Beach Independent ten days prior to the date of said election, to wit: October 23, 1968, October 24, 1968, and October 25, 1968; and

That said municipal election was held in said City of Long Beach on November 5, 1968, which day was not less than forty days nor more than sixty days after the completion of the publication of said proposed amendments once in said Long Beach Independent as aforesaid; and

That the City Council did, by resolution adopted on the 17th day of December, 1968, duly declare the results of said municipal election and did duly find, determine and declare that a majority of the qualified voters of said City of Long Beach voting thereon had voted in favor of and had ratified all two of said proposed amendments; and

That said proposed amendments to the Charter of the City of Long Beach, so ratified by the voters of said City as aforesaid, are respectively in words and figures as follows, to wit:

Proposition L

That the Charter of the City of Long Beach be amended by amending Sections 44 (38), 221, 229d (3), 229h, 229i and 261. and by adding Sections 44 (41), 229h (1), and 260.10. said sections to read, respectively, as hereinafter set forth, and by repealing Section 215a (4) thereof:

Sec. 44 (38) Whenever the City Council shall determine that the public interest requires the construction, acquisition, completion, remodeling or repair of any improvement or utility, the cost of which, in addition to the other expenditures of the City, will exceed the income and revenue provided for in any one year, they may, by ordinance, submit a proposition to incur a general obligation bonded indebtedness for such purpose and proceed therein as provided in Section 18, of Article XI of the Constitution of this state and the general law or laws thereof; provided, that such indebtedness shall not bear more than six percent interest per annum, and that no bond issued therefor shall be sold for less than par nor to any other than the highest bidder, after advertising for sealed proposals therefor; and provided, that several propositions for the issue of such bonds may be submitted at one special or general municipal election.

Sec. 221. The Board of Water Commissioners shall each year apportion and set apart, out of the revenue fund of the Water Department, in the City Treasury, an amount sufficient to pay at maturity all sums coming due in said year for principal and interest upon all outstanding bonds issued for the Water Works, and said amount shall be transferred forthwith into a special fund in the City Treasury, to be designated by a name indicating the nature or purpose of such special fund, and the money in such special fund shall be subject to apportionment by the Auditor as may be required to make such payments of the principal and interest of said bonds and for no other purpose. Any interest or increment received on the money in any such special fund shall be paid into such special fund and become a part thereof. The foregoing provisions of this section shall apply to all such bonds now outstanding or hereafter issued; provided, however, that payments out of revenue, as provided, of the principal and interest of general obligation bonds hereafter issued for securing water from new sources, shall be required only to the extent determined by the

Board of Water Commissioners, approved by a majority vote of the Council, prior to the submission to the electors of the City of the proposition of authorizing such general obligation bonds. Such resolutions shall be subject to amendment only by resolution of said board, approved by majority vote of the Council, and assented to by a majority of the electors of the City, voting on the question of approving such resolution at a general or special election at which such question shall be lawfully submitted.

Notwithstanding all or any part of this section, nothing herein shall be construed as a limitation upon the power of the City or of any department thereof to issue revenue bonds without an election, under state law or procedural ordinance and nothing in this section or elsewhere in this Charter shall be construed to prevent a pledge of revenues to pay, or secure the payment of, the principal and interest of such revenue bonds, which pledge may have priority over any allocation of revenues to pay the principal and interest of general obligation bonds.

Sec. 229d (3) For the payment of the principal or interest, or both, of harbor improvement bonds, either general obligation bonds or revenue bonds, issued for harbor improvements.

Sec. 229h. The proceeds from the sale of bonds now authorized or which shall hereafter be authorized for port or harbor purposes, shall be under the control of and expended by the board, and shall be expended for the objects and purposes for which the indebtedness was incurred. Whenever it is desired to incur additional general obligation bonded indebtedness for any object or purpose consistent with its general powers, the board shall prepare tentative plans and estimates and submit its recommendation in writing to the City Council.

Sec. 229i. All money deposited in the City Treasury to the credit of the Harbor Bond Redemption and Interest Fund, which fund has been heretofore created and established and is hereby continued, shall be used solely and exclusively to pay the principal and interest on all general obligation bonds issued by the City of Long Beach for harbor purposes. Said fund shall be a continuing fund not subject to transfer at the close of the fiscal year. When there shall have been deposited in such fund sufficient money to pay the principal and interest on any and all outstanding bonds, thereafter, and until there may be other such bonds outstanding, no further deposits shall be made into said fund, and all money which would otherwise be deposited therein, including interest increments, shall be paid into the Harbor Revenue Fund. The money deposited in the Harbor Bond Redemption and Interest Fund may be invested in accordance with the provisions of applicable legislation of the State of California providing for the investment and reinvestment of any moneys in any sinking

fund, or any surplus moneys in the treasury of cities in the State. A separate fund or funds may be established for the purpose of paying or securing the payment of, revenue bonds for harbor purposes, and the pledge of revenue to such funds may have priority over any allocation of revenues to pay the principal and interest of general obligation bonds.

Sec. 261. The City Council shall annually provide, by a special tax levied upon real and personal properties, a sum sufficient to pay the principal and interest coming due upon the general obligation indebtedness of the City during the fiscal year.

Sec. 44 (41). The City of Long Beach, by procedural ordinance of the City Council or pursuant to state law, may issue revenue bonds without an election for any City purpose or purposes, and, any other provisions of this Charter notwithstanding, may make such covenants and exercise such powers as are deemed necessary in connection with the issuance and sale of such revenue bonds.

Sec. 229h (1). The board shall be authorized, with the approval of a majority of all members of the City Council, which approval shall be by resolution, to provide for the issuance of revenue bonds without an election secured by the revenues of the Harbor Department, including but not limited to revenues from the operation of the port and harbor facilities of the City as the facilities now exist or may later be extended or improved, for the purpose of acquiring, providing for, erecting, constructing, reconstructing, replacing, extending, or improving such improvements, utilities, structures, water craft, appliances, facilities and services as the board may deem necessary or convenient for the promotion or accommodation of commerce, navigation or fisheries or for any use in connection therewith, or upon the lands and waters, or interest therein, in the possession and under the management, supervision and control of said board, or for payment of the cost of acquiring or taking such real property or any interest therein, that the board may deem necessary or convenient for such purpose. The procedure for issuance of revenue bonds by the Harbor Department shall be established by procedural ordinance of the City Council.

Notwithstanding all or any part of this section, nothing herein shall be construed as a limitation upon the power of the City or of any department thereof to issue revenue bonds without an election, under state law or procedural ordinance.

Sec. 260.10. Notwithstanding any provision of this Charter to the contrary, any revenues which are attributable to oil and gas operations and which are subject to the jurisdiction of the Board of Harbor Commissioners or of the City, may, with the consent of a majority vote of all members of the City Council, be used to pay, or may be pledged as additional security to pay, the principal of and interest on revenue bonds of the Harbor Department.

Proposition M

That the Charter of the City of Long Beach be amended by amending Section 49 to read as set forth hereinafter:

Sec. 49. Unless expressly provided in this Charter to the contrary, no person shall be eligible for election to any office or appointment to any membership on any Board or Commission of the City of Long Beach unless such person shall have been a bona fide resident of the City of Long Beach, or territory legally annexed thereto, for at least one year next preceding the date of his or her election or appointment, and, on such date, shall be a registered qualified elector of the City.

No person shall be eligible for either election or appointment to any office or to any membership on any commission or board of the city, or for appointment as an assistant, deputy, clerk, attache, or other employee of any officer, commission or board of the city, or to appointment to any position of employment whatsoever in the service of the city, who, on the date of his or her election or appointment, shall be in litigation against the city.

All elective officers and all members of commissions and all members of boards of the city, must be bona fide residents of the city and maintain their respective places of abode within the corporate limits of the city at all times during which they hold such office, or are members of any such commission or board; and the term "places of abode," as used herein, shall mean not only the legal or technical residence or domicile, but also actual abode in fact.

Any elective officer, member of a commission or member of a board of the city, upon his or her failure to comply with and abide by the requirements as to residence and place of abode as hereinbefore set forth, shall be thereby immediately disqualified from holding such office or membership, and the tenure of such officer in such office or the membership of such member on such commission or board, as the case may be, shall be thereby immediately terminated.

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of said City of Long Beach.

In witness whereof, Edwin W. Wade, Mayor, as aforesaid, and Margaret L. Moore, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Long Beach to be thereunto duly affixed on this 17th day of December, 1968.

(SEAL)

EDWIN W. WADE
Mayor of the City of Long Beach
MARGARET L. MOORE
City Clerk of the City of Long Beach

WHEREAS, Said proposed amendments to the Charter of the City of Long Beach, ratified by the electors of said city, as aforesaid, have been, and are now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8, Article XI, of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Long Beach, as proposed to, adopted and ratified by the qualified electors of said City of Long Beach, as hereinabove fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to and as parts of the Charter of the City of Long Beach.

RESOLUTION CHAPTER 4

Assembly Concurrent Resolution No. 4—Relative to Soroptimist Civic Leadership Week.

[Filed with Secretary of State January 15, 1969.]

WHEREAS, Women in executive and professional positions are achieving increased stature in the business and professional world under the free enterprise system; and

WHEREAS, Such women may make outstanding contributions to the cultural, civic and economic life of the community and nation; and

WHEREAS, There is increasing need to recognize the best efforts of women in behalf of their families, in work with youth, and in partnership with men; and

WHEREAS, The Soroptimist International organization as the largest women's classified service club, represents a highly diversified and selective group of professional and executive leaders dedicated to the education, progress and civic development of all individuals, whatever their origin, race or creed; and

WHEREAS, All Soroptimists in the western United States, the States of Arizona, California, Nevada, New Mexico and Texas, are emphasizing the obligation of each citizen to reach out into her community and give leadership solutions to state and community problems through a specialized program called SCOPE; and

WHEREAS, The program SCOPE has been defined as:

S The general education of all persons toward SELF-SUSTAINING employment; and the

C Influential, active CIVIC participation and support of an informed CITIZENRY in matters of law enforcement and problem solving at the local level; and

O OPPORTUNITY for all women to increase their skills, regardless of age, race, or station in life; and the
P PERSONAL COMMITMENT of individuals to give service in betterment of community, state, national and international affairs; and an
E EDUCATIONAL opportunity emphasis for all young people, stressing the importance of scholastic achievement, trade skills, and citizenship responsibility and participation;

now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the Governor to proclaim the week of January 18–25, 1969, as Soroptimist Civic Leadership Week in support of the world's largest classified service organization for women, and in recognition of the Soroptimist SCOPE program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Governor Ronald Reagan and to Soroptimist International.

RESOLUTION CHAPTER 5

Senate Concurrent Resolution No. 1—Approving amendments to the Charter of the City of Santa Clara, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fifth day of November, 1968.

[Filed with Secretary of State January 15, 1969.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, as set out in the certificate of the Mayor and City Clerk of said City, as follows:

State of California
County of Santa Clara } ss
City of Santa Clara

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA CLARA

We, the undersigned, Gary G. Gillmor, Mayor of the City of Santa Clara, and A. S. Belick, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Clara, a municipal corporation, in the County of Santa Clara, State of California, is now and at all times herein mentioned was a City duly organized,

existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 50,000 inhabitants;

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City at a special election consolidated with the general statewide election called and held in the County of Santa Clara, a certain proposal for the amendment of the Charter of said City at said special election duly and regularly called and held for that purpose in said City on the fifth day of November, 1968, said Charter Amendments being designated as Proposition D and herein designated as Santa Clara Charter Amendments;

That said Santa Clara Charter Amendments were published in the Santa Clara Journal, a newspaper of general circulation printed and published in said City and having a general circulation therein; said newspaper being the official newspaper of said City, Proposition D was published September 11, 1968 and September 18, 1968, in each edition thereof on said days, and said publication was made at the times and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California;

That said City Council caused copies of said Santa Clara Charter Amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Santa Clara Journal, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor;

That said election was duly and regularly held on the fifth day of November, 1968, which said date of said election was not less than 40 nor more than 60 days after the completion of the advertising in said official newspaper of said proposed Charter Amendments, and the returns of said election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor of and did ratify each of said Santa Clara Charter Amendments, hereinafter specifically set forth;

That said Amendments to the Charter of said City so ratified by the voters of said City are as follows, to wit:

"PROPOSITION D: A proposition on the motion of the City Council of said City to Amend Article VI and Article VII of the Charter of said City as follows:

1. Amend Article VI to read as follows:

Article VI. The Elective Officers

Section 600. Enumeration. The elective officers of the City shall consist of a City Council composed of seven members.

The chief of the police department and the city clerk shall be elected from the city at large, at the time and in the manner in this charter provided for election of the members of the city council, and shall serve for a term of four years, all as provided in Charter Amendment (1953 Statutes 3929).

At the general municipal election to be held in the City on the first Tuesday in April, 1969, and each fourth year thereafter, the Mayor of the City shall be elected from the City at large for a term to commence on the first Monday in May following such election and shall serve until his successor is elected and qualified. A person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member and his election does not change the number of Councilmen from seven, the office of Mayor shall be separately voted upon and is a separate office. Except as to the municipal election to be held in the City on the first Tuesday in April, 1969, no person shall be a candidate for Mayor and City Council at the same election. Any person having a plurality of all votes cast from the City at large for Mayor shall be declared duly elected Mayor, and he shall not be elected at the same election he is so elected Mayor to any other Council office, although any person at said 1969 election can be a candidate for such offices at the same election. Votes cast for him at such election for any Council office other than Mayor shall not be counted in determining whether plurality of votes were cast in such election for such officer for Council, or have any other significance.

Any incumbent member of the City Council may run for such elective office of Mayor, and the Mayor may run for the separate offices of Mayor or other City Council office; however, no member of the Council, including the Mayor, shall hold more than one City elective office.

2. Amend Article VII by amending Sections 701, 702, 703, 704 and 705 thereof and adding new Sections 704.1, 704.2, 704.3 and 704.4 thereto, each of which sections shall read as follows:

Section 701. Qualifications. No person shall be eligible to hold any elective office in the City, including Mayor, City Council, Chief of Police Department, and City Clerk, unless he shall be a qualified elector, and shall have been a resident of the City for at least three (3) years next preceding the date of his election or appointment to such office.

A member of the Council shall not serve more than two consecutive elective terms as such, and shall be ineligible for

re-election or appointment to fill a vacancy in the Council until two years after such service. The office of elected Mayor, to be filled from the City at large, is a separate office from the Council and for the purpose of this qualification for office, is neither a Council office nor the Council. For such purpose, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor.

Section 702. Compensation. Each member of the City Council shall receive as compensation the sum of Two Hundred Dollars ($200) per month, and the Mayor shall receive an additional One Hundred Dollars ($100) per month. As of the first Monday in May, 1969, the Mayor shall receive an additional Seven Hundred Dollars ($700) per month for a total of One Thousand Dollars ($1,000) per month. If a member of the City Council, including the Mayor, does not attend all meetings of the City Council or study sessions called on order of the City Council and held during the month, the compensation to him for such month shall be reduced by the sum of Twenty Five Dollars ($25) for each meeting or study session not attended unless he is absent with the consent of or on order of the City Council.

Absence from five consecutive regular meetings, unless excused by resolution of the City Council, shall operate to vacate the seat of any member of the City Council so absent.

Section 703. Vacancies. A vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council by a majority vote of the remaining members.

In the event the City Council shall fail to fill a vacancy by appointment within thirty days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such vacancy. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent.

Section 704. Presiding Officer. Mayor. At the first regular meeting in May following any municipal election at which councilmen are elected, the council shall elect one of its members as presiding officer, who shall have the title of Mayor. The Mayor shall have a voice and vote in all its proceedings. He shall be the official head of the City for all ceremonial purposes. He shall perform such other duties as may be prescribed by this Charter or as may be imposed by the City Council consistent with his office. The Mayor shall serve in such capacity at the pleasure of the City Council.

As of the first Monday in May, 1969, the Mayor shall be elected from the City at large and upon assuming such elective office, he shall not serve in such capacity at the pleasure of the City Council.

Section 704.1. Same—Limitation of terms. No person who has been elected to the office of Mayor for two (2) successive

four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive, nor for any parts of terms which are not successive.

Section 704.2. Same—Political position. It is the intent of this article that as of the first Monday of May, 1969, the Mayor shall be the political leader within the community by providing guidance and leadership to the City Council, by expressing and explaining to the community the City's policies and programs and by assisting the City Council in the informed, vigorous and effective exercise of its powers. Political leadership shall be concerned with the general development of the community and the general level of City services and activity programs.

Section 704.3. Same—Powers and duties. The Mayor shall as of the first Monday of May, 1969, have the following powers and duties:

(a) The Mayor shall have the power to make recommendations to the City Council on matters of policy and programs which require City Council decision; provided, that if he recommends any increases in the City budget, he shall recommend the method of financing such expenditure; and provided, further, that if he proposes curtailment of service, such recommendations and his reason therefor shall be specific. He may also, on his own account, inform the community on matters of policy or program which he believes the welfare of the community makes necessary;

(b) The Mayor shall preside at meetings of the City Council and shall have the vote as a member of the City Council. He shall have no veto power;

(c) The Mayor shall have authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any meeting of the City Council for disorderly conduct, to enforce the rules of the City Council and to determine the order of business under the rules of the City Council.

(d) The Mayor shall exercise such other powers and perform such other duties as may be prescribed by the City Council, provided that the same are not inconsistent with this Charter.

Nothing in this section shall be construed in any way as an infringement or limitation on the powers and duties of the City Manager as Chief Administrative Officer and head of the administrative branch of the City government as prescribed in other sections of this Charter. Except as otherwise herein provided, the Mayor shall possess only such authority over the City Manager and the administrative branch as he possesses as one member of the City Council.

Section 704.4. Same—Vacancy. The office of Mayor shall become and be deemed vacant immediately upon the incumbent ceasing to be a member of the City Council.

Section 705. Mayor Pro Tempore. The City Council shall also designate one of its members as Mayor Pro Tempore. The Mayor Pro Tempore shall perform the duties of the Mayor during his absence or disability. The Mayor Pro Tempore shall serve in such capacity at the pleasure of the City Council."

That we have compared the foregoing amendments as stated herein with the original proposals submitted to the electors of said City, and find and certify that each of the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Clara to be affixed hereto this 11th day of December, 1968.

GARY G. GILLMOR,
(SEAL) Mayor, City of Santa Clara, California
A. S. BELICK,
City Clerk, City of Santa Clara, California

and

WHEREAS, Said proposed charter amendments as ratified as hereinabove set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Santa Clara as proposed to, and adopted and ratified by, the qualified electors of said City of Santa Clara be and the same hereby are approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the City of Santa Clara.

RESOLUTION CHAPTER 6

Assembly Concurrent Resolution No. 8—Approving a new Charter of the City of Arcadia, a municipal corporation, in the County of Los Angeles, State of California, ratified by the voters of said city at a special municipal election consolidated with the statewide general election held on November 5, 1968.

[Filed with Secretary of State January 16, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a new Charter of the City

of Arcadia, a municipal corporation in the County of Los Angeles, State of California, as set out in the certificate of the mayor and the city clerk of said city, as follows:

CERTIFICATE OF RATIFICATION BY VOTERS OF THE CITY OF ARCADIA OF A NEW CHARTER

State of California
County of Los Angeles } ss.
City of Arcadia

We, Don W. Hage, Mayor of the City of Arcadia, and Christine Van Maanen, City Clerk of said city, do hereby certify and declare as follows:

That the City of Arcadia, in the County of Los Angeles, State of California, is now, and was at all times herein mentioned, a city containing a population of less than 50,000 inhabitants and more than 3,500 inhabitants as ascertained by the last preceding census taken under authority of the Congress of the United States and a city organized and existing under a charter, adopted pursuant to the provisions of Article XI, Section 8, of the Constitution of the State of California, which charter was approved by The Legislature of the State of California by concurrent resolution filed with the Secretary of State on May 14, 1951 (Assembly Concurrent Resolution No. 58, Chapter 117, Statutes 1951, p. 4514), and amendments thereto duly ratified and approved by said legislature.

That pursuant to said provisions of said constitution, the City Council of the City of Arcadia, being the legislative body of said city, on its own motion by ordinance No. 1392 duly submitted to the qualified voters of said city a proposal for a new charter; that said proposal, designated as proposition "G" on the ballot, was voted upon by said voters at a special municipal election, consolidated with the state-wide general election, called and held in said city on November 5, 1968; that said proposed new charter was published not less than forty nor more than sixty days before said election in the official newspaper of said city, the Arcadia Tribune, a newspaper of general circulation published in said city.

That the Registrar of Voters of the County of Los Angeles duly canvassed the returns of said election and certified to the City Council of the City of Arcadia the results of said canvass; that as determined from said canvass, said city council did find and declare that a majority of said voters had voted in favor of adoption of said proposed new charter which reads as follows:

CHARTER
CITY OF ARCADIA

We, the People of the City of Arcadia, State of California, do ordain and establish this Charter as the organic law of the City under the Constitution of the State.

Article I
Incorporation and Succession

Section 100. Name and Boundaries. The City of Arcadia, hereinafter termed the City, shall continue to be a municipal corporation under its present name, "City of Arcadia." The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

Section 101. Rights and Liabilities of the City. The City shall continue to own, possess, and control all rights and property of every kind and nature owned, possessed, or controlled by it at the time this Charter takes effect and shall be subject to all its debts, obligations, liabilities, and contracts.

Section 102. Ordinances, Codes and Other Regulations. All ordinances, codes, resolutions, regulations, or portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until they shall have been duly repealed, amended, changed, or superseded by proper authority.

Section 103. Officers and Employees. Subject to the provisions of this Charter, the present officers and employees shall continue to perform the duties of their respective offices and employments without interruption and for the same compensations and under the same conditions until the election or appointment and qualification of their successors and subject to such removal and control as herein provided.

Section 104. Effective Date of Charter. This Charter shall take effect upon its approval by the Legislature of the State of California.

Article II
Powers of City

Section 200. Powers. The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted, or prescribed by any law of the State, by this Charter, or by other lawful authority, or which a municipal corporation might or could exercise under the Constitution of the State of California. The enumeration in this Charter of any particular power, duty, or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power. The City shall have the power and may act pursuant to procedure established by ordinance or any law of the State.

Section 201. Intergovernmental Relations. The City may exercise any of its powers or perform any of its functions jointly, or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

Article III
Form of Government

Section 300. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government.

Article IV
The City Council

Section 400. City Council. The City Council, hereinafter termed "Council," shall consist of five Councilmen elected to office from the City at large in the manner provided in this Charter. The term of office shall be four years. Alternately, and successively, three four-year terms shall be filled at one general municipal election and two four-year terms at the next such election, consistent with the sequence of terms of Councilmen existing on the effective date hereof. The term of a Councilman shall commence on the first Tuesday following his election and he shall serve until his successor qualifies. Any ties in voting shall be settled by the casting of lots.

Each Councilman in office at the time this Charter takes effect shall continue in office until the end of the term for which he was elected under the previous charter; an appointed Councilman shall continue in office during such time as hereinafter provided.

Section 401. Eligibility. No person shall be eligible to hold the office of Councilman unless he is, and shall have been for at least two years immediately preceding his election or appointment, a legally registered voter and resident of the City. A Councilman who has been elected for two consecutive four-year terms, excluding part or all of any unexpired term, shall not be eligible to hold the office of Councilman again until two years after expiration of the second consecutive term. This section shall apply to Councilmen holding office on the effective date of this Charter.

Section 402. Compensation. Compensation for Councilmen is hereby set, and from time to time shall be changed, in accordance with the schedule applicable to the City of Arcadia set forth in the provisions of the Government Code relating to salaries of councilmen in general law cities. Such compensation may be increased or decreased by an affirmative vote of a majority of the voters voting on the proposition at any election.

Section 403. Vacancies. Forfeiture of Office. Filling of Vacancies.

(a) A vacancy shall exist on the Council, and shall be declared by the Council, if a Councilman resigns, is legally removed other than by recall, dies, or forfeits his office.

(b) A Councilman shall forfeit his office if he (1) lacks at any time while holding office any qualification for election prescribed by this Charter or by law, (2) violates any provision

of this Charter, (3) is convicted of a crime involving moral turpitude, (4) without consent of the Council is absent from all regular Council meetings for a period of sixty consecutive days and the first regular meeting thereafter, said period to be computed from the last regular Council meeting he attends, (5) or accepts or retains any other elective public office. A declaration by the Council of a vacancy resulting from forfeiture of office shall be subject to judicial review, provided that within two weeks after such declaration an appropriate action, or proceeding, for review is filed in a court having jurisdiction of the action or proceeding. During the pendency of any such action or proceeding, anyone appointed by the Council to fill such vacancy shall have all the rights, duties, and powers of a Councilman, and continue in such office as provided herein unless and until said court rules the declaration of the Council invalid and such ruling has become final.

(c) Any vacancy on the Council shall be filled by a majority vote of the remaining Councilmen within thirty days after the vacancy occurs. If more than one vacancy exists, successive appointments shall be made, and each appointee shall participate in any succeeding appointment. If the Council fails, for any reason, to fill such vacancy within said thirty-day period, it shall forthwith call an election for the earliest possible date to fill such vacancy. A person appointed by the Council to fill a vacancy shall hold office until the next general municipal election and until his successor qualifies; provided upon the occurrence of a second vacancy more than one year prior to the next general municipal election at a time an appointee is holding office, a special election shall be held forthwith to fill any vacancy and any office held by an appointee. At said election, Councilmen shall be elected to serve for the remainder of the unexpired terms. A Councilman elected to fill a vacancy shall hold office for the remainder of the unexpired term.

(d) The Council shall provide by ordinance or resolution for the continuity of the Council in the event that five vacancies simultaneously exist on the Council.

Section 404. Mayor—Mayor Pro Tempore. By the affirmative votes of not less than three Councilmen, the Council shall elect one of its members as Mayor, and one of its members as Mayor Pro Tempore, upon the following occasions:

(a) In even numbered years, at the regular Council meeting held for the purpose of canvassing the results of the general municipal election; and

(b) In odd numbered years, at the second regular Council meeting held during the month of April; or

(c) At such other times as a majority of the Council shall so order

The Mayor shall preside at Council meetings. He shall be the chief official of the City for all ceremonial purposes. He shall perform such other duties consistent with his office as may be prescribed by the Council. The Mayor Pro Tempore

shall perform the duties of the Mayor during his absence or disability.

Both the Mayor and Mayor Pro Tempore shall have a voice and a vote in all proceedings of the Council.

Section 405. Powers Vested in the Council. All powers of the City shall be vested in the Council except as otherwise provided in this Charter.

Section 406. Prohibitions.

(a) Holding Other Offices. No Councilman shall hold any other City office or City employment. and no former Councilman shall hold any compensated City office or City employment until two years after leaving the office of Councilman.

(b) Interference in Administrative Service. Neither the Council nor any of its members shall interfere with the execution by the City Manager of his powers and duties, or order, directly or indirectly, the appointment by the City Manager or by any of the departmental officers in the administrative service of the City, of any person to an office or employment or his removal therefrom. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service under the City Manager solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 407. Regular Meetings of the Council. The Council shall hold regular meetings at least twice each month at such times as it shall fix by ordinance or resolution. At any time a regular meeting falls on a holiday, such meeting shall be held on the next business day.

Section 408. Special Meetings. Special meetings may be called at any time by the Mayor or by three members of the Council by delivering personally or by mail written notice to each Councilman and to each local newspaper of general circulation, radio, and television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. Such written notice may be dispensed with as to any Councilman who at or prior to the time the meeting convenes files with the Clerk a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any Councilman who is actually present at the meeting at the time it convenes.

Section 409. Adjourned Meetings. Any regular, adjourned regular, special, or adjourned special meeting may be adjourned to a time and place specified in the order of adjournment. Any adjourned regular meeting is a regular meeting for all purposes.

Section 410. Quorum. Subject to other provisions of this Charter, three Councilmen shall constitute a quorum to do

business, but a lesser number may adjourn from time to time or compel the attendance of other Councilmen in such a manner and under such penalties as the Council may have provided.

Section 411. Open Meetings. Ralph M. Brown Act. All meetings of the Council shall be open to the public, provided the Council may adjourn to an executive session as provided by law. The provisions of the Ralph M. Brown Act, commencing with Section 54950 of the Government Code, shall apply to all meetings of the Council.

Section 412. Place of Meetings. All Council meetings shall be held in the Council Chamber of the City Hall, or in a place to which any meeting may be adjourned. If, by reason of fire, flood, or other emergency, it shall be unsafe to meet in the Council Chamber, the meetings may be held for the duration of the emergency at a place designated by the Mayor, or if he should fail to act, by three members of the Council.

Section 413. Proceedings. The Council shall cause the City Clerk to keep a correct record of all its proceedings. The Council may establish rules for the conduct of its proceedings. It may evict any member or other person for disorderly conduct at any of its meetings. Each member of the Council shall have the power to administer oaths and affirmations in any proceeding pending before the Council. The Council shall have the power to compel the attendance of witnesses, to examine them under oath, and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City, signed by the Mayor, and be attested by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor; the Mayor shall report such disobedience to a judge of the Superior Court for further proceedings under the provisions of the Government Code.

Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting.

Section 414. Citizen Participation. Any citizen, personally or through counsel, shall have the right to present grievances at any regular meeting of the Council, or offer suggestions for the betterment of municipal affairs.

Section 415. Adoption of Ordinances and Resolutions. With the exception of ordinances which take effect upon adoption, referrred to in this Article, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting. At the time of its introduction an ordinance shall become a part of the proceedings of such meeting in the custody of the City Clerk. At the time of adoption of an ordinance or resolution it shall be read in

full, unless after the reading of the title thereof, the further reading thereof is waived by unanimous consent of the Councilmen present. In the event that any ordinance is altered after its introduction, it shall not be finally adopted except at a meeting held not less than five days after the date upon which such ordinance was altered. Correction of a typographical or clerical error shall not constitute an alteration within the meaning of the foregoing sentence.

Unless otherwise required by this Charter, the affirmative votes of at least three Councilmen shall be required for the enactment of any ordinance or resolution, or for the making or approving of any order for the payment of money.

All ordinances and resolutions shall be signed by the Mayor and attested by the City Clerk.

Emergency Ordinances. Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health, or safety and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if it is read in full and passed by at least four affirmative votes.

Section 416. Ordinances. Publication. The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption.

Section 417. Adoption of Codes by Reference. Detailed regulations, pertaining to any subject, when arranged as a comprehensive code may be adopted by reference by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three copies thereof shall be filed for use and examination by the public in the office of the City Clerk, prior to the adoption thereof. Subsequent amendments to sections of such code shall be enacted in the same manner as herein required for the enactment of ordinances. Copies of any adopted code of regulations shall be made available for purchase at a reasonable price.

Section 418. The Arcadia Municipal Code. The Arcadia Municipal Code may be amended, repealed, or added to in whole or in part by ordinance. Said Code may be rearranged and renumbered and thereupon adopted by reference in the same manner as set forth in Section 417, above.

Section 419. Ordinance, When Effective. An ordinance shall become effective on the thirty-first day after its adoption, or at any later date specified therein, except the following, which shall take effect upon adoption:

(a) An ordinance calling or otherwise relating to an election.

(b) An improvement proceeding ordinance adopted under some law or procedural ordinance.

(c) An ordinance declaring the amount of money necessary to be raised by taxation, fixing the rate of taxation, levying the annual tax upon property, or levying any other tax.

(d) An emergency ordinance adopted in the manner provided for in this Charter.

Section 420. Publishing of Legal Notices. In the event that there is more than one newspaper of general circulation in the City, the Council, annually, prior to the beginning of each fiscal year, shall solicit bids and contract for the publication of all legal notices or other matter required to be published in a newspaper of general circulation, during the ensuing fiscal year. If there is only one newspaper of general circulation in the City, then the Council shall have the power to contract with such newspaper for the publishing of such legal notices and other matter without soliciting bids therefor. If the City has a contract with a newspaper of general circulation in the City, it shall be deemed to be the official newspaper.

If there is no newspaper of general circulation in the City, or, if such a newspaper will not contract with the City at rates which do not exceed those charged private persons, and the Council has not designated an official newspaper, then such notices and other matter, and notices required to be published in the official newspaper, shall be published by posting copies thereof at three or more public places in the City as designated by the Council.

No defect or irregularity in proceedings taken under this section, or failure to designate an official newspaper, shall invalidate any publication where the same is otherwise in conformity with this Charter or law.

Article V
City Clerk

Section 500. City Clerk. There shall be a City Clerk who shall be elected for a term of four years, commencing on the first Tuesday following his election, and who shall serve until his successor qualifies.

Section 501. Continuation of Present City Clerk. The City Clerk in office at the time this Charter takes effect, or his successor, shall continue in office during the term which commenced April 16, 1968, and shall serve until his successor qualifies.

Section 502. Eligibility. No person shall be eligible to hold the office of City Clerk unless he is a legally registered voter and resident of the City. The City Clerk shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council.

Section 503. Vacancies. Forfeiture of Office. Filling of Vacancies. The provisions of Section 403, subdivisions (a) and (b) hereof, relating to vacancies on the Council, shall apply to the office of City Clerk in the same manner as they apply to the office of Councilman. After declaring a vacancy, the Council by a majority vote of its members shall fill such

vacancy by appointment. Said appointee shall serve until the expiration of the unexpired term or until the next municipal election, whichever shall first occur. At said election a Clerk shall be elected to serve for the remainder of any unexpired term.

Section 504. Compensation. Compensation for the City Clerk shall be set by the Council and shall not be increased or decreased after his election or during his term of office.

Section 505. Powers and Duties. The City Clerk shall:

(a) Attend all meetings of the Council and be responsible for the recording and maintaining of a full and true record of all of the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose.

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each document stating that said document is the original or a correct copy, and with respect to an ordinance, stating that said ordinance has been published or posted in accordance with this Charter; all of said books shall be properly indexed and open to public inspection when not in actual use.

(c) Maintain separate books, in which a record shall be made of all written contracts and official bonds.

(d) Be the custodian of the seal of the City.

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records.

(f) Be the City Assessor, if the Council so requires.

(g) Sign all checks, except payroll checks.

(h) Conduct all City elections.

(i) Perform such other duties as may be prescribed by the Council.

Article VI
City Manager

Section 600. City Manager. Selection and Qualifications. There shall be a City Manager who shall be the chief administrative officer of the City. The Council shall appoint, by not less than four votes, the person who it believes to be best qualified on the basis of his executive and administrative qualifications, with special reference to his experience in, and his knowledge of, accepted practice in respect to the duties of the office as set forth in this Charter.

The City Manager shall engage in no other business or occupation except as may be permitted by the affirmative vote of four members of the Council. He shall establish his residence within the City within ninety days after his appointment, unless such period is extended by the Council, and thereafter maintain his residence within the City during his tenure of office.

Removal of City Manager. The affirmative vote of a majority of the members of the Council shall be required to remove the City Manager from office, provided the City Manager shall not be removed by the Council within 135 days after a councilmanic election, except by the unanimous vote of the entire Council.

Section 601. City Manager. Powers and Duties. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities and duties, the City Manager, subject to the provisions of this Charter and any regulations adopted pursuant thereto, shall:

(a) Appoint and remove administrative officers, except those appointed by the Council, and when he deems it necessary for the good of the service suspend or remove any employee.

(b) Direct and supervise the administration of all departments, offices and agencies of the City.

(c) Prepare and submit the annual budget and capital program to the Council, and be responsible for administration of the annual budget and capital program after its adoption.

(d) Prepare and submit to the Council as of the end of the fiscal year a comprehensive report on the finances and administrative activities of the City for the preceding year.

(e) Make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.

(f) Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable.

(g) Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, and disposal of, all supplies, materials and equipment required by any office, department, or agency of the City government and recommend them to the Council for adoption.

(h) See that all laws, provisions of this Charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(i) Perform such other duties as may be prescribed by the Council.

Section 602. City Manager. Meetings. The City Manager shall be accorded a seat at the Council table and at all meetings of boards and commissions and shall be entitled to participate in their deliberations, but shall not have a vote.

Section 603. Manager Pro Tempore. The City Manager shall appoint, subject to the approval of the Council, one of the other officers of the City to serve as Manager Pro Tempore during any temporary absence or disability of the City Manager. During such absence or disability, the Council may revoke such designation at any time and appoint another

officer of the City to serve until the Manager shall return or his disability shall cease.

Article VII
Officers and Employees

Section 700. Administrative Departments.

(a) Creation of Departments. The Council may establish City departments, offices, or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices, and agencies, except that no function assigned by this Charter to a particular department, office, or agency may be discontinued or, unless this Charter specifically so provides, assigned to any other.

(b) Direction by City Manager. Except as otherwise provided by this Charter, all departments, offices, and agencies under the direction and supervision of the City Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of the Council, the Manager may serve as the departmental administrator of one or more such departments, offices, or agencies or may appoint one person as the departmental administrator of two or more of them.

(c) Not inconsistent with this Charter, the Council may provide for the number, titles, qualifications, powers, duties, and compensation of all officers and employees.

(d) Merit Principle. All appointments and promotions of City officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

Section 701. City Attorney. Powers and Duties. There shall be a City Attorney who shall be appointed and subject to removal by a majority vote of the entire Council. Under the administrative direction of the City Manager, he shall serve as chief legal adviser to the Council, the City Manager, and all City departments, offices, and agencies; he shall represent the City in all legal proceedings and shall perform such other duties as may be prescribed by the Council.

To become eligible for City Attorney, the person appointed shall be an attorney-at-law duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law for at least two years prior to his appointment.

Section 702. Director of Finance. There shall be a Director of Finance who shall:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Compile the budget expense and income estimates and supply data for the Capital Program as requested by the City Manager.

(c) Maintain a general accounting system for the City government and each of its offices, departments, and agencies.

(d) Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality, and correctness of such claims, demands, or charges.

(e) Supervise the collection, receipt, and the deposit of all moneys payable to the City in a depository designated by the Council or by the City Manager, if the Council has not acted, and in compliance with all applicable laws.

(f) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and, as of the end of each fiscal year, submit a complete financial statement and report.

(g) Supervise the keeping of current inventories of all property of the City by all City departments, offices, and agencies.

(h) Perform such other duties as may be prescribed by the Council.

Treasurer. There shall be a Treasurer in the Department of Finance who shall be appointed and may be removed by the Director of Finance subject to the approval of the City Manager. The Treasurer shall perform those duties required by law, assigned by the Director of Finance, and those provided by ordinance or resolution.

Section 703. Planning Director. There shall be a Director of Planning who shall:

(a) Advise the City Manager on any matter affecting the physical development of the City.

(b) Formulate and recommend to the City Manager a general plan and modifications thereof.

(c) Review and make recommendations regarding proposed Council action implementing the general plan.

(d) Participate in the preparation and revision of the Capital Program.

(e) Advise the City Planning Commission in the exercise of its responsibilities and in connection therewith provide necessary staff assistance.

(f) Perform such other duties as may be prescribed by the Council.

Section 704. Departmental Administrators. Appointive Powers. Each departmental administrator shall have the power to appoint, supervise, suspend, or remove such assistants, deputies, subordinates, and employees as are provided for by the Council for his department, subject to approval of the City Manager and subject to the civil service provisions of this Charter and the rules and regulations promulgated hereunder.

Section 705. Personal Financial Interest. Except as permitted by the Government Code, any City officer or employee who has a financial interest in any contract with the City or in the sale of any land, materials, supplies, or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the City Manager or the Council.

Section 706. Administering Oaths. Each departmental administrator and such of his deputies as he may designate shall have the power to administer oaths and affirmations in connection with any official business pertaining to his department.

Section 707. Acceptance of Other Office. Any administrative officer or any employee of the City who shall accept or retain any elective public office shall be deemed thereby to have resigned from his office or employment under the City government.

Section 708. Nepotism. The Council shall not appoint to a salaried position in the City government any person who is a relative by blood or marriage within the third degree of any member of the Council, nor shall any administrative officer or other officer having appointive power appoint any relative of his within such degree to any such position.

Section 709. Official Bonds. The Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officers or employees who are required by ordinance or resolution to give such bonds. All bonds shall be executed by a responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in, such wrongful act or omission.

Article VIII
Boards and Commissions

Section 800. In General. There shall be the following boards and commissions which shall have the powers and duties set forth in this Charter and by ordinance not inconsistent with this Charter:

Planning Commission

Personnel Board

Library Board of Trustees
Recreation and Parks Commission

In addition, the Council may create by ordinance such other boards or commissions as in its judgment are required and may grant to them such powers and duties as are not inconsistent with the provisions of this Charter.

Section 801. Appropriations. The Council shall include in its annual budget such appropriations of funds as the Council shall determine to be sufficient for the efficient and proper functioning of boards and commissions.

Section 802. Appointments. Terms. The number of members of boards and commissions shall be specified by the Council. Except as hereafter provided, each member of each board or commission shall be appointed for a term of four years and shall serve until his successor qualifies; he shall be subject to removal by motion of the Council adopted by at least three affirmative votes. In the event an incumbent is removed or otherwise vacates his office, his successor shall be appointed for the unexpired term of said office. The members thereof shall be appointed from the legally registered voters of the City, and shall not hold any other City office or employment.

A member who has held office on the same board or commission for two consecutive four-year terms, excluding part or all of any unexpired term, shall not be eligible to hold office on such board or commission until two years after the expiration of the second consecutive term.

Section 803. Existing Boards. The members of the boards and commissions holding office when this Charter takes effect shall continue to hold office thereafter until their respective terms of office shall expire and until their successors are appointed and qualify.

Section 804. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members as presiding officer, and another as chairman pro tempore, to serve at the pleasure of such board or commission. Each board or commission shall hold regular meetings as the Council may require, and such special meetings as otherwise may be necessary. The provisions of Section 411, hereof, relating to the Ralph M. Brown Act, shall apply to all meetings of boards and commissions and, subject to the provisions of said Act, all meetings shall be open to the public.

The affirmative vote of a majority of the entire membership of such board or commission shall be necessary for it to take any action except to adjourn.

The City Manager may designate a City employee for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions Each board or commission may prescribe its own procedures and rules of operation which shall be kept on file in the office

of the City Clerk where they shall be available for public inspection. Subject to any regulations and procedures established by the Council, each board or commission shall have the power to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it, and to administer oaths and affirmations. Disobedience of any subpoena, or refusal to testify shall be a misdemeanor and such conduct shall be reported to the Mayor and procedures may be taken pursuant to Section 413, hereof.

Section 805. Compensation. Vacancies. The members of boards and commissions shall serve without compensation for their services as such, but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have received authorization by the Council.

Any vacancies in any board or commission, from whatever cause arising, shall be filled by appointment by the Council. Upon a vacancy occurring leaving an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

If a member of a board or commission is absent from three consecutive regular meetings of such board or commission, unless by permission of such board or commission expressed in its official minutes, is convicted of a crime involving moral turpitude, ceases to be a legally registered voter of the City, or files or causes to be filed nomination papers with the City Clerk for elective City office, his office shall become vacant and shall be so declared by the Council.

Section 806. Planning Commission. There shall be a City Planning Commission which shall make recommendations to the City Manager and the Council on all matters affecting the physical development of the City, shall be consulted on the general plan and the implementation thereof, and shall perform such other duties as may be prescribed by the Council.

Section 807. General Plan.

(a) Content. The Council shall adopt, and may from time to time modify, a general plan setting forth in graphic and textual form policies to govern the future physical development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire City and all of its functions and services.

(b) Effect. The general plan shall serve as a guide to all future Council action concerning land use, development regulations, and expenditures for capital improvements.

Section 808. Personnel Board. Powers and Duties. There shall be a Personnel Board which shall:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment, or repeal of Civil Service rules and regulations.

(b) Act in an advisory capacity to the Council on problems concerning personnel administration.

(c) Hear appeals of any person in the Classified Service relative to any suspension, demotion, or dismissal.

(d) Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service and report its findings to the Council and City Manager.

(e) Perform such other duties as may be prescribed by the Council.

Section 809. Library Board of Trustees. Powers and Duties. There shall be a Library Board of Trustees which shall:

(a) Administer and operate the City libraries.

(b) Establish and enforce such by-laws, procedures, and rules of operation as may be necessary for, and make all purchases and other contracts in connection with, the administration, government, and protection of the City libraries and shall designate its own Secretary.

(c) Appoint and remove the Librarian, who shall be the departmental administrator, and pass upon and approve all proposed appointments and removals by the Librarian.

(d) Subject to the approval of the Council, accept money, personal property, or real estate donated to the City for library purposes.

(e) Subject to the approval of the Council, contract with schools, county or other governmental agencies to render or receive library services or facilities.

Section 810. Recreation and Parks Commission. Powers and Duties. There shall be a Recreation and Parks Commission which shall:

(a) Act in an advisory capacity to the City Council in all matters pertaining to community recreation and parks.

(b) Perform such other duties as may be prescribed by the Council.

A contract between the City and another agency relating to community recreation or parks may provide for membership on the commission of representatives of such agency during the existence of the contract.

Article IX
Civil Service

Section 900. Existing Civil Service System. To the extent that existing Civil Service ordinances and rules and regulations of the City are not in conflict with this Charter, they are continued in full force and effect, and to the extent that they are in conflict they are hereby repealed.

Section 901. Unclassified and Classified Service. The Civil Service of the City shall be divided into the Unclassified and the Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

1. Councilman.

2. City Manager, City Attorney, City Clerk, Chief of Police, and Fire Chief. Assistants, deputies, and clerical and stenographic employees authorized for said departmental administrators and designated by the Council to be in the Unclassified Service.

3. All other departmental administrators.

4. City Manager Pro Tempore

5. Personnel Director

6. The Librarian and all employees of the Library Department.

7. All members of boards and commissions.

8. Positions in any class or grade created for a special or temporary purpose and for a period of not exceeding one hundred eighty days in any one calendar year.

9. Persons employed to render professional, scientific, technical, or expert service of an occasional and exceptional character.

10. Part-time employees.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(c) There shall be a Personnel Representative, who shall be in the Classified Service and whose duties may be combined with those of any other employee in the Classified Service.

Section 902. Appointments from Classified Service Positions. In the event an employee of the City holding a position in the Classified Service is appointed to a position in the Unclassified Service, and should thereafter within one year be removed or resign therefrom, he shall revert to his former position in the Classified Service upon the same terms and conditions as if he had remained in said position continuously.

Section 903. Recruitment. Examinations of applicants for positions in the Classified Service shall fairly test the relative capacity of the applicants to discharge the duties of the positions to which they seek to be appointed. Applicants must be citizens of the United States.

Section 904. Suspension. Demotion and Dismissal. The Boards and officers having appointive power are vested with the right to exercise the disciplinary and removal powers provided in this section.

An employee holding a position in the Classified Service shall be subject to suspension without pay for a period not exceeding thirty days in any one calendar year, to demotion, or to removal from his position, but subject in each case to the right of the employee, other than one serving a probationary period, to a hearing before the Personnel Board in the manner set forth herein.

Such employee shall be entitled to receive upon his request, at the office of the board or officer taking such action, a written statement in which shall be separately stated each of the

charges against him upon which such suspension, demotion, or removal is based, a copy of which statement shall be furnished to the City Clerk for delivery to the Personnel Board. Such statement shall be furnished such employee within two business days after his request therefor, which request must be filed in the office of the City Clerk within ten days after he has been notified of such demotion, removal, or suspension. If such employee is absent from work, he shall be deemed to be so notified when such notice is mailed to his last address on file with the City by registered mail. He shall have thirty days after receipt of such statement within which to file with the City Clerk an answer to such statement of charges should he desire to do so.

In his answer, or otherwise if no statement of charges has been made available to him as required, such employee may request a hearing by the Personnel Board to review such suspension, demotion, or removal, which hearing shall be called and held as provided for in the rules and regulations. Within thirty days from such notification such answer, or request for a hearing, shall be filed in the office of the City Clerk for delivery to the Personnel Board. Hearings may be conducted informally and the rules of evidence need not apply.

The Personnel Board shall make written findings which shall state as to each charge whether or not such charge is sustained. Such Board shall also set forth in writing its conclusions and recommendations based upon such findings and, within ten days after concluding the hearing, it shall certify its findings, conclusions, and recommendations to the City Manager, the officer from whose action the appeal was taken, and the Council.

The recommendations of the Personnel Board shall be advisory only. The City Manager shall make a final decision with respect to such recommendations and his decision shall be final and conclusive and no further appeal shall be taken therefrom.

Where an appeal is taken to the Personnel Board from an order of dismissal, the vacancy in the position shall be considered a temporary vacancy pending final action by the Personnel Board and may be filled only by a temporary appointment.

Section 905. Political Activities Prohibited. Any City employee upon becoming a candidate for public office shall be required to take and be granted a leave of absence without pay to remain in effect during the period of time such person is a candidate.

No City employee shall take any part in any political campaign while in a uniform bearing the insignia or name of the City of Arcadia. No person shall use the administrative offices and facilities of the City for the purpose of furthering a political campaign for public office.

Section 906. Prohibitions. General.

(a) No person shall be appointed, removed, favored, or discriminated against with respect to any City position or office because of race, sex, political or religious opinions or affiliations.

(b) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this Charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

(c) No person who seeks appointment or promotion with respect to any City position or office shall directly or indirectly give, render, or pay or offer to give, render, or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

(d) In addition to the penalties provided in Section 1501 of this Charter, any person who by himself or with another willfully violates any provisions of subdivision (b) and (c) of this section shall, upon conviction thereof, be ineligible for a period of five years for employment in the City service and shall immediately forfeit his office or position if he be an officer or employee of the City.

Article X
Retirment

Section 1000. Public Employees Retirement System. Plenary authority and power are hereby vested in the City, its Council and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of the Public Employees' Retirement Law, as it now exists or hereafter may be amended, to enable the City to continue as a contracting City under said Retirement System. The Council may terminate any such contract with the Board of Administration of the Public Employees' Retirement System only under authority granted by ordinance adopted by a majority vote of the legally registered voters of the City, voting on such proposition at an election at which such proposal is presented.

Article XI
Elections

Section 1100. General Municipal Elections. General municipal elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the second Tuesday in April in each even numbered year.

Section 1101. Special Municipal Elections. Other municipal elections shall be known as special municipal elections.

Section 1102. Procedure for Holding Elections. Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as it exists or is amended, for the holding of municipal elections, so far as the same are not in conflict with this Charter.

Section 1103. Initiative, Referendum, and Recall. There are hereby reserved to the voters of the City the powers of the initiative and referendum and of the recall of municipal elective officers. The provisions of the Elections Code of the State of California, as it exists or is amended, governing the initiative and referendum and the recall of municipal officers shall apply so far as the same are not in conflict with this Charter.

Article XII
Fiscal Administration

Section 1200. Fiscal Year. The fiscal year of the City government shall begin on the first day of July of each year and end on the thirtieth day of June of the following year. The Council may by ordinance change the fiscal year.

Section 1201. Submission of Budget and Budget Message. On or before the twenty-fifth day of May of each year, or at such other time as the Council may prescribe, the Manager shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

The Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, and include such other material as the Manager deems desirable.

Section 1202. Budget. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Council may require. In organizing the budget the Manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments, and

agencies in terms of their respective work programs, and the method of financing such expenditures;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments, and agencies when practicable, and the proposed method of financing each such capital expenditure; and

(c) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition.

The total of proposed expenditures shall not exceed the total of estimated income plus available reserves.

Section 1203. Capital Program. As used in this section a capital improvement shall mean an improvement with an estimated cost in excess of $10,000 and a probable life in excess of ten years.

(a) Submission to Council. The Manager shall prepare and submit to the Council a five-year capital program at least three months prior to the final date for submission of the budget.

(b) Contents. The capital program shall include:

1. A clear general summary of its contents;

2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;

3. Cost estimates, method of financing and recommended time schedules for each such improvement; and

4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 1204. Council Action on Budget.

(a) Notice and Hearing. The Council shall publish in the official newspaper a general summary of the budget and a notice stating:

1. The times and places where copies of the message and budget are available for inspection by the public, and

2. The time and place, not less than ten days after such publication, for a public hearing on the budget.

(b) Further Consideration and Adoption. After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revision thereof that it may deem advisable and on or before July 1 it shall adopt the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated. If it fails to adopt the budget by said date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all

items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year.

Section 1205. Council Action on Capital Program.

(a) Notice and Hearing. The Council shall publish in the official newspaper a general summary of the capital program and a notice stating:

1. The times and places where copies of the capital program are available for inspection by the public, and

2. The time and place, not less than ten days after such publication, for a public hearing on the capital program.

(b) Adoption. The Council by resolution shall adopt the capital program with or without amendment after the public hearing and on or before the thirty-first day of March of each year, or at such other time as the Council may designate.

Section 1206. Public Records. Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

Section 1207. Amendments After Adoption.

(a) Supplemental Appropriations. If during the fiscal year the Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the Council by resolution may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by resolution reduce one or more appropriations.

(c) Transfer of Appropriations. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

(d) Limitations; Effective Date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 1208. Lapse of Appropriations. Every appropriation, except an appropriation for a capital expenditure, shall

lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 1209. Tax Limits.

(a) The Council shall not levy a property tax, for municipal purposes, in excess of One Dollar and Thirty Cents annually on each One Hundred Dollars of the assessed value of taxable property in the City, except as otherwise provided in this section, unless authorized by the affirmative votes of a majority of the voters voting on a proposition to increase such levy at any election at which the question of such additional levy for municipal purposes is submitted to the voters. The number of years that such additional levy is to be made shall be specified in such proposition.

(b) There shall be levied and collected at the time and in the same manner as other property taxes for municipal purposes are levied and collected, as additional taxes, if no other provision for payment thereof is made:

1. A tax sufficient to meet all liabilities of the City for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year, which constitute general obligations of the City; and

2. A tax sufficient to meet all obligations of the City to the Public Employees Retirement System for the retirement of City employees, due and unpaid or to become due during the ensuing fiscal year.

Section 1210. Tax Procedure. The procedure for the assessment, levy, and collection of taxes upon property, taxable for municipal purposes, may be prescribed by ordinance of the Council.

Section 1211. Bonded Debt Limit. The City shall not incur an indebtedness evidenced by general obligation bonds which shall in the aggregate exceed the sum of fifteen percent of the total assessed value, for purposes of City taxation, of all taxable real and personal property within the City.

No bonded indebtedness which shall constitute a general obligation of the City may be created unless authorized by the affirmative votes of two-thirds of the voters voting on such proposition at any election at which the question is submitted to the voters and unless in compliance with the provisions of the State Constitution and of this Charter.

Section 1212. Contracts on Public Works. Every project involving an expenditure of more than Six Thousand Dollars for the construction, improvement, repair, or maintenance of public works shall be let by the Council by contract to the lowest responsible bidder after notice by publication in the offi-

cial newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

Projects for the maintenance or repair of public works are excepted from the requirements of this paragraph if the Council determines that such work can be performed more economically by a City department than by contracting for the doing of such work.

The Council may reject any and all bids presented and may readvertise in its discretion.

The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes of the Council may proceed to have said work done, without further observance of the provisions of this section.

Such contracts may be let and such purchases made without advertising for bids, if such work shall be deemed by the Council to be of urgent necessity for the preservation of life, health, or property, and shall be authorized by resolution passed by at least four affirmative votes of the Council and containing a declaration of the facts constituting such urgency.

Section 1213. Cash Basis Fund. The Council shall maintain a revolving fund, to be known as the "Cash Basis Fund," for the purpose of placing the payment of the operating expenses of the City on a cash basis. A reserve shall be built up in this fund from any available sources in an amount which the Council deems sufficient with which to meet all lawful demands against the City for the first five months, or other necessary period, of the succeeding fiscal year prior to the receipt of ad valorem tax revenues. Transfers may be made by the Council from such fund to any other fund of such sum as may be required for the purpose of placing such fund on a cash basis.

All moneys so transferred from the Cash Basis Fund shall be returned thereto before the end of the fiscal year.

Section 1214. Presentation and Audit of Demands. Any demand against the City must be in writing and may be in the form of a bill, invoice, payroll, or formal demand. Each such demand shall be presented to the Director of Finance, who shall examine the same. If the amount thereof is legally due and there remains on his books an unexhausted balance of an appropriation against which the same may be charged, he shall approve such demand and draw his warrant on the Treasurer therefor, payable out of the proper fund.

The Director of Finance shall transmit such demand, with his approval or rejection thereof endorsed thereon, and warrant, if any, to the City Manager. If a demand is one for an item included within an approved budget appropriation, it

shall require the approval of the City Manager, otherwise it shall require the approval of the Council, following the adoption by it of an amendment to the budget authorizing such payment. Any person dissatisfied with the refusal of the City Manager to approve any demand, in whole or in part, may present the same to the Council which, after examining into the matter, may approve or disapprove the demand in whole or in part.

Section 1215. Registering Warrants. Warrants on the Treasurer which are not paid for lack of funds shall be registered. All registered warrants shall be paid in the order of their registration when funds therefor are available and shall bear interest from the date of registration at such rate as shall be fixed by the Council by resolution.

Section 1216. Claims Against the City. The Council by ordinance may provide for conditions precedent to the commencement of any action or proceeding to bringing suit against the City, its officers and employees, except as the subject is preempted by State law.

Section 1217. Independent Audit. The City Council shall employ at the beginning of each fiscal year, a certified public accountant who shall, at such time or times as may be specified by the City Council, and at such other times as he shall determine, examine the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds and all such other officers, employees, or departments as the City Council may direct. As soon as practicable after the end of the fiscal year, a final certified audit and report shall be submitted by such accountant to the City Council, one copy thereof to be distributed to each member, one to the City Manager, Director of Finance, Treasurer, and City Attorney, respectively, and three additional copies to be placed on file in the office of the City Clerk where they shall be available for inspection by the general public.

Article XIII
Franchises

Section 1300. Granting of Franchises. The Council may grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred, whether operating under an existing franchise or not, and may prescribe the terms, conditions, and limitations of such grant, including the compensation to be paid to the City therefor. The Council may prescribe by ordinance or resolution the method or procedure for granting franchises, together with additional terms and conditions for making such grants. In the absence of such provision the method provided by the general laws of the State shall apply.

Section 1301. Term of Franchise. No franchise shall be granted for a longer period than twenty-five years, unless there be reserved to the City the right to take over at any

time the works, plant, and property constructed under the grant at their physical valuation and without compensation for franchise or good will.

Section 1302. Eminent Domain. No franchise or grant of a franchise shall in any way or to any extent impair or affect the right of the City to acquire the property of the possessor thereof by purchase or condemnation, and nothing therein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain with respect to the property of the possessor of any franchise. Every franchise granted by the City is granted upon the condition, whether expressed in the grant or not, that such franchise shall not be given any value before any court or other public authority in any proceeding of any character in excess of any amount actually paid by the grantee to the City at the time of the grant.

Section 1303. Procedure for Granting Franchises. Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour, and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolution subject to the referendum of the people. No ordinance granting a franchise shall be adopted as an emergency ordinance.

Article XIV
Board of Education

Section 1400. Establishment of a Board of Education. The control, management, and administration of the public schools of the City of Arcadia and the territory that is now or may hereafter be annexed thereto for school purposes, in accordance with the Constitution and general laws of the State of California, is hereby vested in a Board of Education consisting of five members who shall be voters in the school district; said Board is hereby vested with all the powers and charged with all the duties provided by the laws of the State for city boards of education.

Section 1401. Term of Office. The members of such Board of Education shall be elected from the school district at large and shall hold office for the term of four years, and until their successors are elected and duly qualified.

Section 1402. Election. School board elections shall be held on the third Tuesday of April of each odd numbered year. The members of such Board of Education holding office

at the time this Charter becomes effective shall continue in office for their respective terms of office and until their respective successors are elected and duly qualified as herein provided. The officers of the election for members of the Board of Education shall be compensated for their services as provided by the general laws of the State governing school elections; such compensation and any other expense incurred in the conduct of said election shall be a charge upon the School District and not upon the City.

In the preparation of ballots for the election of members of the Board of Education, there shall be printed, stamped, or written the name of each candidate for such office who has officially announced himself sixty days prior to the date of the election by filing or having filed with the Secretary of the Board of Education a written statement signed by him that he is a candidate for the office of member of the Board of Education.

In all other matters the election for members of the Board of Education shall be governed by the general law of the State relating to the election of city boards of education.

Section 1403. Meetings. The members of the Board of Education shall enter upon the discharge of their duties on the first Monday in July after their election, and the Board shall meet upon said day and annually thereafter and organize by electing one of their number President and one of their number Vice-President, whose terms of office shall be one year. They shall hold regular meetings at least once each month, at such time and place as may be determined by their rules. Special meetings may be called by the President or by written request of any three members. A majority of the members shall constitute a quorum. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken and recorded when demanded by any member, and entered on the records of the Board. Any vacancy occurring on the Board shall be filled by the remaining members of the Board, and if there be no members, then by the Council.

Section 1404. Board Secretary. The Board of Education shall, at the first meeting in each school year, or at such other time as shall be fixed by resolution of the Board, appoint a secretary, who may or may not be one of their own number, and shall prescribe the duties and fix the salary of such secretary.

Section 1405 General Law Applicable. In all matters not specifically provided for in this Article, the Board of Education shall be governed by the provisions of the general law relating to such matters.

Article XV
Miscellaneous

Section 1500. Definitions. Unless the provision or the context otherwise requires, as used in this Charter:

(a) "Shall" is mandatory, and "may" is permissive.

(b) "City" is the City of Arcadia, and "department," "board," "commission," "agency," "officer," or "employee" is a department, board, commission, agency, officer, or employee, as the case may be, of the City of Arcadia.

(c) "Council" is the City Council of the City.

(d) "Councilman" is a member of the Council.

(e) "Departmental administrator" is the person in charge of a City department.

(f) "Government Code" is the California Government Code as it exists upon adoption of this Charter, or is thereafter amended.

(g) "Municipal Code" is the Arcadia Municipal Code.

(h) "Law" includes ordinance.

(i) "Officer" is a person holding an elected office, a member of a board or commission, the City Manager, and a departmental administrator in charge of a City department or a person acting in his place.

(j) "State" is the State of California.

(k) "Voter" is a legally registered voter.

(*l*) The masculine, feminine, and neuter genders shall be interchangeable, as shall be the singular and plural.

Section 1501. Violations. A violation of this Charter or of any ordinance of the City shall constitute a misdemeanor and may be prosecuted in the name of the People of the State of California or may be redressed by civil action filed by the City. The maximum fine or penalty for any violation of a City ordinance shall be the sum of Five Hundred Dollars, or a term of imprisonment for a period not exceeding six months, or both such fine and imprisonment.

Section 1502. Validity. If any provision of this Charter, or the application thereof to any person or circumstance is held invalid, the remainder of the Charter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

That the foregoing is an exact copy of the proposed new charter submitted to the voters of said City by said ordinance No. 1392.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Arcadia to be affixed hereto this 30th day of December, 1968.

(SEAL)

DON W. HAGE
Don W. Hage, Mayor of the City of Arcadia
CHRISTINE VAN MAANEN
Christine Van Maanen, City Clerk of the City of Arcadia

WHEREAS, Pursuant to Article XI, Section 8, of the Constitution of the State of California, said proposed new charter,

ratified as hereinbefore set forth, has been, and now is submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said Charter of the City of Arcadia as proposed to, adopted and ratified by the qualified voters of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, as the Charter of the City of Arcadia.

RESOLUTION CHAPTER 7

Senate Concurrent Resolution No. 3—Relative to memorializing Joseph Allan Beek.

[Filed with Secretary of State January 16, 1969.]

WHEREAS, The Members of the Legislature were deeply grieved to learn of the death on October 20, 1968, of the Secretary of the Senate, Joseph Allan Beek; and

WHEREAS, Mr. Beek, or more familiarly "Joe" as he was known to literally hundreds of legislators, was first employed by the California State Senate in 1913, and served in the capacity of secretary from his first election to the office in 1919 to the end of his life, a period of 50 years; and

WHEREAS, Joseph Beek was a native of Maine who spent his early teens in Colorado before becoming a resident of Southern California, first in Pasadena and later on Balboa Island; and

WHEREAS, A master mariner and lifelong devotee of sailing, fishing, and other water activities, he was the prime developer of Beacon Bay, Balboa Yacht Basin and Harbor Island, served as commodore of the Newport Harbor Yacht Club and the Southern California Yachting Association, was the first harbormaster of Newport Harbor and first Chairman of the Small Crafts Harbors Commission of the State of California, and for 50 years operated a fleet of three ferryboats between Balboa Island and the mainland; and

WHEREAS, During World War II, when not engaged in his duties for the Legislature, he served his country as a convoy commodore in the Army Transport Service in the Pacific; and

WHEREAS, Joseph Beek was President of the American Association of Legislative Officers, and was the author of "The California Legislature," an authoritative book on the legislative machinery of this state, and of the booklet "Is a Flag Worth Fighting For?", which won a Freedoms Foundation award; and

WHEREAS, With his extensive knowledge of the legislative process and his ready willingness to be of service whenever needed, Joe Beek was the trusted friend and devoted assistant of every Senator, and will be sorely missed by all who worked with him during his long tenure; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby pay tribute to the memory of Secretary Joseph Allan Beek, an incomparable public officer in the annals of the California Legislature; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Joseph A. Beek, and to his sons, Barton Beek, Allan Beek, and Seymour Beek.

RESOLUTION CHAPTER 8

Senate Concurrent Resolution No. 4—Relative to the death of Senator George Miller, Jr.

[Filed with Secretary of State January 16, 1969.]

WHEREAS, It was with sad hearts and an intense sense of personal loss that the Members of the California Legislature learned of the tragic and untimely death on January 1, 1969, of a man whose presence for the past 22 years has brightened, enlivened, and invigorated the California Legislature, their distinguished colleague and friend, Senator George Miller, Jr.; and

WHEREAS, A native of Oakland, George Miller, Jr., was educated in the public schools of Richmond, St. Mary's College in Moraga, and the School of Jurisprudence in Oakland, and, in his private life, was an accountant, property manager, and insurance broker; and

WHEREAS, After beginning his long and dedicated career of public service in 1936, as Assistant Director for Recreation for the City of Richmond, he was Deputy Collector of Internal Revenue for the Berkeley-Contra Costa Zone from 1938 to 1942; and

WHEREAS, The people of Contra Costa County, who first elected this dynamic legislator to represent them in the Assembly and then, for two decades, chose him as their voice in the Senate, were served ably and well; and

WHEREAS, This wise choice not only benefited the prosperity, welfare, and diverse interests of their county, which Senator Miller enhanced and protected with skill, zeal and ferocity, but it gave to all the people of California the benefit of his talents, foresight, and wisdom as a leader in their government; and

WHEREAS, His colleagues and associates in the halls of the California Capitol knew him as a public servant of abundant

ability, imagination, and intense integrity; respected him as an adversary of consummate courage and tenacity; consulted him as a keen analyst of formidable problems; enjoyed the rare humor, wit, and wisdom he articulated in resounding bass tones when he spoke; and loved him as a friend for his deep compassion, his personal humility, his steadfast loyalty and generosity; and

WHEREAS, Senator Miller's contributions to the fiscal stability of the State of California as the dedicated and brilliant chairman of the Senate Committee on Finance and the improvement of California's educational system will long benefit the present and future citizenry of this state; and

WHEREAS, During the 1968 session of the Legislature, he authored legislation which gave local school districts more direct control over their curriculum and lifted rigid state course requirements which was fondly called by him a "Magna Carta for Schools"; and

WHEREAS, By his forceful words and deeds, he successfully fought to preserve the legislative branch as a full and equal partner in state government, and resisted with spectacular tenacity all threats—regardless of the political partisanship of the source—upon the independence of the Legislature; and

WHEREAS, He also served as Chairman of the Democratic National Convention delegation from California in 1952 and as Chairman of the Democratic State Central Committee for the 1952–54 term; and

WHEREAS, An active and vital man, he was an ardent fisherman who spent his vacations on his boat in the Sacramento-San Joaquin Delta, and he was a former swimming and diving coach, taking part in the annual Golden Gate Channel swims for many years; and

WHEREAS, Senator Miller is survived by his gracious wife, Dorothy Rumsey Miller; a son, George Miller, III; and three daughters, Sister Laura Miller, Mrs. Gretchen Daloisio, and Kate; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members of the California Legislature mourn the untimely passing of their distinguished colleague and friend, Senator George Miller, Jr., and express their deepest condolences to his widow and children; and be it further

Resolved, That the members commend the spirit and achievements of Senator George Miller, Jr., to the citizens of the State of California as an example of selfless dedication and service to the welfare of his fellow citizens and to the betterment of mankind; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the widow and children of Senator George Miller, Jr.

RESOLUTION CHAPTER 9

Senate Concurrent Resolution No. 10—Approving a certain amendment to the Charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of the city at a special municipal charter amendment election held therein on the fifth day of November, 1968.

[Filed with Secretary of State January 16, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment to the Charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF SANTA CRUZ OF CERTAIN CHARTER AMENDMENTS

State of California
County of Santa Cruz } ss.
City of Santa Cruz

We, the undersigned, Raymond H. Goodrich, Mayor of the City of Santa Cruz, and A. J. Miller, City Clerk of the City of Santa Cruz, do hereby certify and declare as follows:

That the City of Santa Cruz, County of Santa Cruz, State of California, is a city containing a population of more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States, and ever since the year 1948 has been and is now organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI, of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 2nd day of March, 1948, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 27th day of March, 1948 (Statutes of 1948, page 312).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Santa Cruz, being the legislative body of said city, on its own motion, by its Resolution No. NS-9183, adopted on August 13, 1968, duly and regularly proposed and submitted to the qualified electors of said city a certain proposal for the amendment of the Charter of said City, to be voted on by said qualified electors at a Special Municipal Charter Amendment Election, consolidated by said Resolution No. NS-9183 with the Statewide General Election held in said City on November 5, 1968.

That said proposed amendment was published and advertised for the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California, viz., on the 10th day of September, 1968, in the Santa Cruz Sentinel, the official newspaper of said City of Santa Cruz, a newspaper of general circulation printed and published in said City of Santa Cruz, and in each edition thereof during said day of publication.

That said Special Municipal Charter Amendment Election was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 5th day of November, 1968, which day was not less than forty (40) and not more than sixty (60) days after the completion of said publication and advertisement of said proposed amendment in said Santa Cruz Sentinel.

That a majority of the qualified voters voting on the proposal number 1 voted in favor thereof.

That the Council of said City of Santa Cruz on December 17, 1968, officially confirmed the canvass of all ballots cast at said Special Municipal Charter Amendment Election, and did, by resolution, duly find and declare that a majority of the qualified voters voting on said charter amendment voted in favor of the ratification of and did ratify proposal number 1, and that said charter amendment was ratified.

That said charter amendment so ratified by the majority of the qualified voters of said City voting at said Special Municipal Charter Amendment Election is in words and figures following, to-wit:

Proposal No. 1:

By amending Section 1428 of Article XIV thereof, to read as follows:

"Section 1428. City Property. The rights of the City in and to the waterfront and tidelands vested in it in fee or in trust, are inalienable, unless authorized by the affirmative vote of the majority of the qualified electors of the City of Santa Cruz. Other City property in use for a public purpose shall be inalienable, except for the same or another public purpose, unless authorized by the affirmative vote of a majority of the qualified electors of the City voting on the proposition, except such other property as may be determined by the affirmative vote of five (5) members of the Council to be no longer necessary for public purposes."

And we, and each of us, further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Santa Cruz with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Santa Cruz to be affixed hereto this 19th day of December, 1968.

RAYMOND H. GOODRICH
(SEAL) Mayor of the City of Santa Cruz
A. J. MILLER
City Clerk of the City of Santa Cruz

and

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Santa Cruz, as proposed to and adopted and ratified by the electors of said city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as amendment to and as part of the Charter of said City of Santa Cruz.

RESOLUTION CHAPTER 10

Senate Concurrent Resolution No. 7—Approving amendments to the Charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at a general election held therein on the fifth day of November, 1968.

[Filed with Secretary of State January 16, 1969.]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the 26th day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, page 2973); and

WHEREAS, The legislative authority of said city and county, namely, the board of supervisors thereof, duly proposed to the qualified electors of the city and county five (5) amendments to said charter; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did cause said five (5) proposed amend-

ments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said "San Francisco Examiner," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the fifth day of November, 1968, the said five (5) several proposals to amend the charter of the City and County of San Francisco; and

WHEREAS, Said general election was held in said City and County of San Francisco on the fifth day of November, 1968, which day was more than 40 days and less than 60 days from the completion of the publication of said proposed charter amendments for one day in said "San Francisco Examiner," and each edition thereof as hereinbefore set forth; and

WHEREAS, The registrar of voters did, in the manner provided by law, duly and regularly canvass the returns of said election, and on the 10th day of December, 1968, duly certify to the board of supervisors the results of said general election as determined from the canvass of the returns thereof; and

WHEREAS, At said general election so held on the fifth day of November, 1968, all five (5) of said proposed amendments were ratified by a majority of the electors of said city and county voting thereon, to wit, charter amendments designated as Propositions C, D, E, F, G; and

WHEREAS, The said charter amendments so ratified by the electors of the City and County of San Francisco are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows:

Proposition C

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the

Charter of said city and county by amending Section 47 thereof, and adding Sections 48.2, 48.3 and 48.4 thereto relating to control of the harbor by the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on Tuesday, the 5th day of November, 1968, a proposal to amend the charter of said city and county by amending Section 47 thereof and adding Sections 48.2, 48.3 and 48.4 thereto, so that the same shall read as follows:

Section 47. Until such time as the voters of the City and County of San Francisco, at an election duly held and conducted, have assented to the transfer of the jurisdiction and control of the harbor of San Francisco under the terms and conditions specified in Statutes 1968, ch. 1333, and the results of said election have been certified to according to law, this section and sections 48 and 48.1 of the charter shall continue in force, and until such time, sections 48.2, 48.3 and 48.4 shall be inoperative. Upon certification of the vote specified herein, this section and sections 48 and 48.1 of the charter shall become inoperative for any purpose, and sections 48.2, 48.3 and 48.4 of the charter shall become operative.

Whenever the State of California shall grant, or by legislative action agree to grant, to the City and County of San Francisco all or a substantial part of the property now under the jurisdiction, possession, control and management of the board of state harbor commissioners, including the interest of the State of California in that portion of the bay of San Francisco now controlled by the board of state harbor commissioners and used as the harbor of San Francisco, the said city and county shall accept the same, and shall thereafter have authority to manage, govern, administer and control, all and singular, the property, rights and privileges granted, assigned or conveyed by the said State of California. Said city and county shall also have power, subject to the bond issue procedure provided for in this charter, or now or hereafter provided for by the laws of the State of California to assume an obligation or obligations to the State of California for the outstanding bonded indebtedness incurred by the State of California for the acquisition, construction, improvement and development of the said harbor or of the properties used in connection therewith, or to issue new and additional bonds therefor; and any and all indebtedness assumed or bonds issued for said purpose shall not be included in the bonded debt limit provided for in section 104 of this charter, and if thereafter any additional bonded indebtedness is incurred to improve, construct, re-construct or extend said harbor, or to add thereto or to renew, construct or re-construct, operate or extend any service or equipment or utility used in connection with said harbor or in connection with the operation thereof,

said bonded indebtedness so incurred shall also be exempt from the limitations contained in section 104 of this charter. All the powers and duties incident to the management, government, control and administration of the said harbor, and all properties and utilities used in connection therewith, shall be vested in the harbor commission of the City and County of San Francisco.

Said harbor commission of the City and County of San Francisco shall consist of five members to be appointed by the mayor, one of whom shall be a representative of the agricultural interests of the State of California and need not be a resident of the city and county. The term of office of each of said members shall be five years, provided that those first appointed to said commission shall so qualify themselves by lot that their terms of office shall expire respectively, one, two, three, four and five years after the 15th day of January next after their respective appointments. Vacancies on said board shall be filled by the mayor for the unexpired term. Each of said persons appointed to said commission shall give a bond in the sum of five thousand dollars ($5,000) duly conditioned for the faithful performance of his duties and said persons so appointed shall be subject to recall, suspension, and removal in the same manner as an elective official. The compensation of each of the members of said harbor commission shall be twelve hundred dollars ($1,200) per year.

Section 48.2. The City and County of San Francisco shall accept the transfer and assume jurisdiction and control of the harbor of San Francisco and the facilities thereof in accordance with the terms and conditions of Statutes 1968, ch. 1333.

Any and all indebtedness assumed for said purposes shall not be included in the bond debt limit provided for in section 104 of this charter, and if thereafter any additional bonded indebtedness is incurred to improve said harbor in connection with the operation thereof, said bonded indebtedness so incurred shall also be exempt from the limitations contained in section 104 of this charter. All the powers and duties incident to the management, government, control and administration of said harbor and all properties and utilities used in connection therewith, shall be vested in the Port Commission of the City and County of San Francisco.

The Board of Supervisors of the City and County of San Francisco shall have and is hereby granted power to enter into any agreement with the State of California, the Director of Finance, or any officer, agency or commission of the State of California, and to pass all necessary legislation and to do or perform any other act or acts deemed necessary to effect the transfer of the jurisdiction and control of the harbor of San Francisco, or any of the facilities thereof, to the City and County of San Francisco,

The San Francisco Port Commission shall consist of five members who shall be appointed by the mayor, their appointment being subject to confirmation by the Board of Supervisors. Each of said members shall serve for a term of four years. Vacancies on the commission shall be filled by the mayor for the unexpired portion of the term. Initial appointive members of the commission shall consist of the incumbent members of the San Francisco Port Authority, who shall serve as commissioners for a term corresponding to the unexpired portion of their tenure as members of the Port Authority. In addition, the Director of Finance and Secretary of Agriculture and Services, or their designated representatives, shall be ex officio members of the commission. Persons appointed to the Port Commission shall be subject to recall, suspension and removal in the same manner as an elected official. The compensation of each member of said Port Commission shall be twelve hundred dollars ($1,200) per year. Ex officio members of the commission shall serve as such without compensation.

Section 48.3. The Port Commission shall have all the powers and duties given to boards and commissions by Section 19 of the charter and shall have the power to establish such departments and bureaus as may be necessary or convenient for the conduct of its affairs. Subject to the terms and conditions of the transfer and any supplemental agreements relating thereto, the Port Commission shall have the control and management of all real and personal property transferred under the Statutes 1968, Ch. 1333, or otherwise acquired or purchased with funds under its control or acquired or purchased by it within the scope of its authority, or otherwise placed under its management, supervision and control, the property under the control and management of the commission shall be known as the Port Area. The Port Commission shall have the power and duty to use, conduct, operate, maintain, manage, regulate, and control the Port Area of San Francisco and to do all things it deems necessary in connection with the use, conduct, operation, management, maintenance, regulation, improvement and control of said Port Area, or which may further the interests of the Port in world trade, including, without limiting the generality of the foregoing, the exclusive power to perform or accomplish the following:

1. The improvement, operation and conduct of the harbor, and any and all improvements or facilities located thereon;

2. The construction, reconstruction, repair, operation and use of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of commerce and navigation, or located within the Port Area;

3. The establishment, improvement and conduct of railroad and aviation facilities and all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and conduct of air commerce and navigation and railroad transportation;

4. The construction, reconstruction, repair, maintenance and operation of public buildings, parks, playgrounds, public educational and recreation facilities and all works, buildings, facilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses;

5. The preservation or restoration of marine resources consistent with the primary mission of the harbor of San Francisco;

6. The grant of franchises thereof for limited periods not exceeding 66 years for wharves and other public uses and purposes and the lease of said lands, facilities, or any part thereof for limited periods not exceeding 66 years, and the collection and retention of rents and other revenues from such leases, franchises, permits, licenses, and privileges. Such lease or leases, franchises, permits, licenses, and privileges shall be for purposes consistent with the trusts upon which the lands are held by the state and with the requirements of commerce and navigation, or if the Port Commission of the City and County of San Francisco determines that any portion of the transferred lands is not required for the foregoing uses described in this section, such lease or leases, franchises, permits, licenses, and privileges, may be for the purposes of such development and use as the commission finds will yield maximum profits to be used by the commission in the furtherance of commerce and navigation;

7. Leases and franchises granted or made by the Port Commission shall be administered exclusively by the operating forces of the Port Commission;

8. The power to nominate for appointment a port director who shall be the chief executive of the Port Commission and who shall have the management of all the affairs and activities placed under the jurisdiction of the commission. The mayor shall appoint a port director. He shall devote his entire time to the duties of his office and his salary shall be fixed by the commission. He shall hold his office at the pleasure of the commission and shall have the management of said harbor and of all of the facilities and equipment thereof and of all bureaus and departments established for the operation of said harbor or for the operation of any equipment or facility thereof. Subject to the approval of the commission he shall appoint and remove any and all heads of departments or bureaus, who may not be subject to the civil service provisions of the charter. He shall possess the necessary administrative, executive and technical qualifications necessary to enable him to perform the duties of his office. His compensation shall not exceed prevailing salaries paid those holding similar positions in comparable maritime employment. The commission may confer on him such additional powers and authority as it may see fit;

9. To regulate the berthing, anchoring, towing, loading and unloading and mooring of vessels within the port;

10. To issue receipts, negotiable or otherwise, for property or merchandise in its charge or possession;

11. To fix all rates, dockage, rentals, tolls, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the Port Commission, and to provide for the collection thereof;

12. To enter into contracts, agreements, or stipulations germane to the scope of its powers and duties;

13. To give such bonds or assurances as may be required by the United States in the operations permitted hereunder;

14. To provide and equip offices within or without the Port, within other states, or in foreign countries, and through such employees and agencies as it may deem expedient;

15. To contract for and operate foreign trade zones within the Port Area or auxiliary to the Port Area, or such zones or sub-zones as have been operated by the San Francisco Port Authority. Agreement may be made with the Public Utilities Commission for operation of future zones or sub-zones in other areas;

16. Members and officers of the Port Commission shall be exempt from the provisions of the City Charter relating to absences from the State, but shall advise the Mayor and the Board of Supervisors in advance of such absences;

17. May promote the maritime and commercial interests of the harbor by advertising its advantages and facilities and by the solicitation of business. The advertising and solicitation may be conducted within or without this State and through such agencies, mediums, employees and agents as are determined by the Commission. The Commission may, in its discretion, publish and distribute a magazine, pamphlets, booklets and other printed and advertising matter for the purpose of developing traffic and promoting and maintaining the commerce and prestige of the port, and may use any moneys of the Harbor Fund for the special purposes authorized by this provision. Members and employees of the commission in attending conventions of port authorities and meetings of transportation clubs, trade associations and business organizations that may advance the interests of the port shall be allowed their actual necessary expenses in the performance of such services as may from time to time be deemed desirable by the commission and shall be allowed hospitality expenses necessarily incurred in furthering the interests of the Port;

18. To issue revenue bonds in the same manner and to the same extent as is provided for by the San Francisco Harbor Revenue Bond Act of 1951, enacted by Stats. 1951, Chapter 1712, page 4020, of the Statutes of California All of the provisions of said Act are by this reference incorporated in and made a part of this charter, except that where the term "Board of State Harbor Commissioners" is used it shall be deemed to mean the "Port Commission," and where the term "San Francisco Harbor Bond Finance Board" or "Bond Fi-

nance Board" is used it shall be deemed to mean "Board of Supervisors of the City and County of San Francisco," and where the term "Attorney General of the State of California" is used it shall be deemed to mean "City Attorney," and where the term "State Treasurer" is used it shall be deemed to mean "City Treasurer," and where the term "State Controller" is used it shall be deemed to mean "City Controller." The revenue bonds issued hereunder shall be known as "Revenue Bonds of the Port Commission of San Francisco."

19. To expend all funds necessary to the carrying out of the powers and duties herein expressed;

20. This section does hereby vest in the Port Commission all of the powers set forth in section 3 and section 5 of the Statutes of 1968, Chapter 1333, which provisions are hereby incorporated in the charter by this reference.

The city attorney shall be the legal adviser of the commission, and may, with the approval of the commission, compromise, settle or dismiss any litigation or legal proceeding, pending for or on behalf of the commission relative to any matter under its jurisdiction, and said commission may with the consent of the mayor and the approval of the city attorney appoint special counsel.

Section 48.4. All employees of the Port Authority who, at the time of transfer provided for herein shall go into effect, are members of the Public Employees' Retirement System of the State of California shall continue to be members of said Public Employees' Retirement System, with all the rights, privileges and benefits of said system and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the membership of such employees in said Public Employees' Retirement System.

All employees of the Port Authority who, at the time the transfer provided for herein shall go into effect, are covered under the provisions of a retirement program other than the Public Employees' Retirement System of the State of California shall thereafter continue to be covered under such retirement program and they shall not be members of the San Francisco City and County Employees' Retirement System; and, notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to continue the coverage of such employees under such retirement program.

Persons who, after the transfer provided for herein has gone into effect, become employees of the city and county in positions related to the operation of the State Belt Railroad and who become covered under the provisions of the Railroad Retirement Act by virtue of their employment in such positions shall not be members of the San Francisco City and County Employees' Retirement System.

Notwithstanding any other provisions of this charter, the city and county shall perform all acts necessary to protect the employment rights of employees of the Port Authority as specified in Section 20 of Statutes 1968, ch. 1333.

In the matter of the control and operation of the harbor and of the facilities and equipment thereof, including the matter of budgets and appropriations, the Port Commission shall be subject to the budgetary and fiscal procedure elsewhere provided for in this charter.

The revenues of said harbor and of all properties and facilities incident thereto, or used in connection therewith, shall be deposited in a separate fund in the treasury of the city and county and a harbor trust fund or trust funds shall be established by the city and county and the city and county shall deposit in the fund or funds all monies received attributable to facilities on the transferred lands in the harbor.

Subject to the terms and conditions of Statutes 1968, ch. 1333, appropriations from such funds shall be made for the following purposes and in the order named, viz.:

(a) For the payment of operating expenses, pension charges and proportionate payments to such compensation and other insurance and accident reserve funds as the commission may establish or the Board of Supervisors may require;

(b) For payment of the principal and interest of any obligations of the State of California and assumed or agreed to be paid by the City and County of San Francisco;

(c) For repairs and maintenance of the properties of said harbor or used in connection with the operation thereof;

(d) For the payment of the principal and interest on any bonds issued by the City and County of San Francisco for the acquisition, construction, repair or extension of said harbor or of any of the facilities used in connection therewith;

(e) An amount which shall be sufficient to meet the cost of reconstruction and replacement made necessary by the physical and functional depreciation of any of the properties or equipment of said harbor as the same shall occur;

(f) To pay for extensions and betterments to said harbor or to the equipment and facilities thereof;

(g) To establish a surplus or sinking fund for the improvement or extension of the harbor or any facility used in connection therewith.

Proposition D

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 69.2 thereto relating to the incurring of bonded indebtedness for capital improvement projects.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 5,

1968, a proposal to amend the charter of said city and county by adding Section 69.2 thereto reading as follows:

Capital Improvement Projects—Bond Issues

Section 69.2. Whenever the capital improvement program recommended by the city planning commission pursuant to Section 69.1 contains a number of capital improvement projects with estimated costs of less than $2,000,000 each and the board of supervisors by resolution adopted by two-thirds vote of all its members determines that public interest and necessity require the acquisition, construction or completion of more than one of such capital improvement projects to be specified in said resolution, but that the total estimated cost of said improvements will be too great to be paid out of the ordinary annual income and revenue of the city and county, and will require an expenditure greater than the amount allowed therefor by the annual tax levy and will require the incurring of a bonded debt, the board at any subsequent meeting may by a two-thirds vote of all its members pass an ordinance calling an election and ordering submission to the qualified voters of the city and county the single proposition of incurring a bonded indebtedness for the group of public improvements specified in said resolution. Such election shall be called and held in the same manner as other bond elections of the city and county. If the proposition receives the assent of two-thirds of the qualified electors voting in favor thereof, the bonded indebtedness may then be incurred for said group of public improvements. No proposition or propositions for incurring a bonded indebtedness shall be submitted to the voters at any one election pursuant to the provisions of this section where the total estimated cost of the group or groups of public improvements involved exceeds the sum of $6,000,000.

The proceeds of the sale of bonds authorized at any such election (except premium and accrued interest received on the sale thereof) shall be applied exclusively for said group of public improvements, but in such amounts applicable to each thereof as the board of supervisors may from time to time determine, provided that as nearly as practicable each capital improvement project comprising a part of said group of public improvements shall be acquired, constructed and completed to the extent of funds then available therefor, which may be more or less than the original estimated cost of any capital improvement project comprised within said group of public improvements.

The provisions of the Municipal Bond Act of 1901, as amended, presently codified as Article 1, Chapter 4, Division 4, Title 4, of the Government Code of the State of California authorizing the incurring and establishing the procedure for the creation of bonded indebtedness by cities shall, except as otherwise provided herein, be applicable to the creation of the bonded indebtedness authorized by this section.

Proposition E

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the charter of said city and county by amending Sections 49, 159, 160, 164.1, 165.2, 165.6, 168.1.10 and 171.1.10 thereof, relating to the Retirement System.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 5, 1968, a proposal to amend the charter of said city and county by amending Sections 49. 159. 160. 164.1, 165.2, 168.1.10 and 171.1.10 thereof to read as follows:

Appointments and Nominations by Mayor

Section 49. The mayor shall nominate members of the board of education for confirmation by the voters, and shall appoint three members of the retirement board, and shall also appoint members of the public utilities, city planning and civil service commissions, each of which said boards or commissions to have the membership, terms of members, and powers and duties as are provided in this charter.

Retirement Board

Section 159. The retirement system shall be managed by a retirement board, which is hereby created, and which shall be the successor and have the powers and duties of the board of administration, the board of trustees of the police relief and pension fund and the board of fire pension fund commissioners. The retirement board shall consist of the president of the board of supervisors, three members to be appointed by the mayor, and three members elected from the active members, who shall not include retired persons of the retirement system. The members appointed by the mayor shall either hold a degree of doctor of medicine, or shall be experienced in life insurance, actuarial science, employee pension planning, or investment portfolio management, and shall be appointed by the mayor from among three persons whose names shall have been submitted to him for each such appointment by a committee consisting of two members each of the San Francisco Medical Society, Bar Association of San Francisco, San Francisco Real Estate Board and the Greater San Francisco Chamber of Commerce; provided, however, that there shall not be, at any one time, more than one appointed member who holds a degree of doctor of medicine. The term of office of the six members, other than the president of the board of supervisors, shall be five years, and the terms presently in effect for appointed and elected members shall not be changed by this amendment. The city attorney shall cease to be a member of said retirement board on the effective date of this amendment and the mayor shall thereupon appoint a

member in accordance with the procedure established in this section, said member's term to expire five years from the effective date of this amendment. The members of the retirement board shall serve without compensation. Subject to the civil service provisions of this charter, the retirement board shall appoint a secretary-general manager, provided, however, that any person who has performed the duties of secretary-general manager continuously for one year prior to the date of approval of this amendment by the electorate and who on said date shall be performing said duties, is hereby confirmed in said position and thereafter shall hold the same pursuant to said civil service provisions of this Charter. The board shall appoint an actuary, who shall hold office at its pleasure, and the board shall employ a consulting actuary. The secretary-general manager or actuary shall have the power to administer oaths and affirmations in all matters pertaining to the business of the retirement system.

The retirement board shall be the sole authority and judge, under such general ordinances as may be adopted by the supervisors, as to the conditions under which members may receive and may continue to receive benefits of any sort under the retirement system, and shall have exclusive control of the administration and investment of such fund or funds as may be established, provided that all investments shall be of the character legal for insurance companies in California.

Actuarial Tables, Rates and Valuations

Section 160. The mortality, service and other tables and the rates of contributions for members as recommended by the actuary and the valuations determined by him and approved by the retirement board shall be conclusive and final, and the retirement system shall be based thereon. The total amount, as determined by the actuary and approved by the board, of the contributions required during any fiscal year of the city and county under the retirement system shall be paid into the retirement system by the city and county during such year. Liabilities accruing under the retirement system because of service rendered to the city and county by persons prior to the date their respective classes become eligible for membership in the system, and administrative costs under the system, shall be met by contributions to the retirement system by the city and county, in addition to any amounts contributed to meet liabilities accruing because of service rendered by such persons after becoming members of the system, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall not be less than the amount disbursed during that year on account of prior service. All expenses in connection with the investment of such fund or funds as may be established, including but not limited

to travel and transportation costs, investment seminar expenses, postage, insurance, telephone, and subscriptions to investment publications, shall be paid from the accumulated contributions of the city and county.

Contributions to the retirement system required of the city and county shall be charged by the controller against the general fund or the school, utility, bond or other special fund under which the service was rendered, on account of which the contribution is required; provided that contributions required on account of service rendered by any person prior to becoming a member of the system, under a temporary fund, such as bond or county roads funds, or a fund then no longer existing, may be charged against the general fund, and provided further, that any contributions required on account of persons receiving benefits under subdivision (c) of section 165, shall be charged against the general fund.

Section 164.1 (A) Each retirement or death allowance which is not subject to change when the salary rate of any member is changed and which is payable to or on account of any member who has retired or died prior to July 1, 1967, except such allowances payable to or on account of persons who retired or died prior to July 1, 1947 as members under Section 165, but including death allowances payable under Section 168.3 which are not subject to change when the salary rate of any member is changed, shall be increased for time on and after the effective date of this section, hereby designated as the first day of the month next following its ratification by the State legislature, by the percentage set forth in the following table opposite the fiscal year in which said allowance became effective, said percentage to be applied to the allowance payable to the individual who was receiving the allowance on the effective date of this section (a) exclusive of the annuity provided by additional contributions and (b) prior to reduction pursuant to subsection (A) of Section 165.6:

Fiscal year in which allowance became effective	Percentage
All years prior to July 1, 1959	16%
July 1, 1959 to June 30, 1960	14%
July 1, 1960 to June 30, 1961	12%
July 1, 1961 to June 30, 1962	10%
July 1, 1962 to June 30, 1963	8%
July 1, 1963 to June 30, 1964	6%
July 1, 1964 to June 30, 1965	4%
July 1, 1965 to June 30, 1966	2%
July 1, 1966 to June 30, 1967	1%

(1) Funds necessary for the payment of such increases in allowances payable to or on account of members who retired or died as members under Charter Sections 165 or 165.2 shall be provided from the City's accumulated contributions held

by the system on account of miscellaneous members under Section 165.2.

(2) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 168 or 168.1 shall be provided from the City's accumulated contributions held by the system on account of police members under Section 168.1.

(3) Funds necessary for the payment of such increases in allowances to or on account of members who retired or died as members under Charter Sections 171 or 171.1 shall be provided from the City's accumulated contributions held by the system on account of fire members under Section 171.1.

The necessary funds shall be transferred on the effective date of this section from said accumulated contributions to the accumulated contributions held by the system to meet the obligations of the city and county on account of benefits that have been granted and which are based on service rendered as members. The contribution being required of the city and county currently, as percentages of salaries of persons who are members under Sections 165.2, 168.1 and 171.1 shall be increased to percentages determined by the actuary as necessary to replace the accumulated contributions so transferred.

(B) (1) The retirement board shall determine, prior to April 1 of each year, the percentage of increase or decrease in the cost of living during the preceding calendar year or years, as shown by the then current Consumer Price Index, All Items, San Francisco (1957–59 = 100), issued by the U.S. Bureau of Labor Statistics and published in the Monthly Labor Review or a successor publication. The cost of living adjustments as hereinafter provided shall be based on the percentage of such increase or decrease.

(2) Notwithstanding any other charter or ordinance provision governing the retirement system, every retirement or death allowance payable to or on account of any member who retires or dies as a member of the system or who has retired or died as such a member, except allowances subject to change when the salary rate of any member is changed, shall be increased or decreased as of July 1, 1969, and on July 1 of each succeeding year, subject to the provisions of this subsection (B), by a percentage of the allowance established on the effective date of this section after any increase under subsection (A) of this section or on the effective date of such allowance, whichever is later, as payable to the individual who is receiving the allowance on the date of any such adjustment (a) exclusive of the annuity provided by additional contributions, and (b) prior to modification pursuant to subsection (F) of Section 165.6. On July 1, 1969 the percentage of increase in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one per cent, the percentage of increase in the cost of living during the preceding calendar year. On July 1, 1970 and on July 1 of each succeeding year, the percentage

of increase or decrease in each such allowance shall be the percentage which is determined by the retirement board to approximate to the nearest one per cent of increase or decrease in the cost of living in the calendar year or years since January 1, 1969 or since January 1 of the year in which the last such cost of living adjustment in allowances was made, whichever is later. Any such allowance shall be so adjusted only if it was in effect for at least one year prior to the date of such adjustment. Such adjustment in any year shall not exceed two percent of such allowance; provided, however, that no allowance shall be reduced below the amount being received by the member or his beneficiary on the effective date of this section or on the effective date he began to receive the allowance, whichever is later.

(3) Any such increases in allowances shall be paid from funds which shall be allocated for that purpose by the retirement board from such earnings on investments not otherwise allocated and after crediting of regular interest to accumulated contributions as are in excess of two per cent of the assets of the retirement system at the close of each fiscal year.

(4) Any such increases in allowances which are not funded by such allocation of such earnings, shall be funded by contributions of members under Sections 165, 165.2, 168.1 and 171.1 and by contributions of the city, which shall be at rates which are in addition to the rates of contribution otherwise provided by charter or ordinance, provided that a member's rate of contribution shall not exceed one-half of one per cent of his monthly compensation. The contributions made under this section by any member shall be credited together with regular interest thereon to his individual account and shall be subject to the same charter and ordinance provisions relating to accumulated contributions of the member, including withdrawal and death benefits other than death allowances; provided, however, that upon his retirement or death, such accumulated contributions and interest shall not be applied to provide a part of the retirement benefits payable to him or the death allowance benefits payable on account of his death otherwise provided by charter or ordinance, but instead shall be held, together with the accumulated contributions made by the city pursuant to this subsection (B), with interest thereon, to provide the benefits under this subsection (B). Whenever such accumulated contributions of a member with interest have been paid to him on account of his termination of service or to his beneficiary or estate as a part of his death benefits, as provided by charter or ordinance, an amount equal to the amount of contributions and interest so paid shall be applied to reduce the contributions by the city then currently payable under this section. If a member, upon his reentry into membership after the withdrawal of his accumulated contributions, shall redeposit the accumulated contributions withdrawn with

interest, as otherwise provided by the charter or ordinance, he shall redeposit the accumulated contributions made under this section with interest in the same manner and under the same conditions as the redeposit of his other accumulated contributions, and an amount equal to the amount of such redeposit of accumulated contributions made under this section with interest, shall become payable forthwith by the city to be included in the city's contributions under this section.

(5) The rates of contribution of members and the city, as provided herein, shall be fixed by the retirement board from time to time as it determines necessary.

Retirement—Miscellaneous Officers and Employees On and After July 1, 1947

Section 165.2. Miscellaneous officers and employees, as defined in this section, who are members of the retirement system under this section of the charter on the effective date of this amendment, hereby designated as the first day of the month next following its ratification by the State Legislature, and persons who become miscellaneous officers and employees after said effective date, shall be members of the retirement system, subject to the following provisions of this section, in addition to the provisions contained in sections 158 to 161, both inclusive, of this charter notwithstanding the provisions of any other section of the charter, provided that the retirement system shall be applied to persons employed on a part-time, temporary or substitute basis only as the board of supervisors shall determine by ordinance enacted by three-fourths vote of all members of the board. Miscellaneous officers and employees of the said departments who are members of the retirement system under section 165 of the charter on said effective date shall continue to be members of the system under section 165 and shall not be subject to any of the provisions of this section, except as specifically provided in this section.

(A) The following words and phrases as used in this section unless a different meaning is plainly required by the context, shall have the following meaning:

"Retirement allowance," or "allowance," shall mean equal monthly payments, beginning to accrue upon the date of retirement, and continuing for life unless a different term of payment is definitely provided by the context.

"Compensation," as distinguished from benefits under the workmen's compensation laws of the State of California shall mean all remuneration whether in cash or by other allowances made by the city and county, for service qualifying for credit under this section.

"Compensation earnable" shall mean the compensation as determined by the retirement board, which would have been earned by the member had he worked, throughout the period under consideration, the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by him during such period and at the rate

of pay attached to such positions, it being assumed that during any absence, he was in the position held by him at the beginning of the absence, and that prior to entering city service he was in the position first held by him in city-service.

"Benefit" shall include "allowance," "retirement allowance," and "death benefit."

"Average final compensation" shall mean the average monthly compensation earned by a member during any five consecutive years of credited service in the retirement system in which his average final compensation is the highest, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

For the purposes of the retirement system and of this section, the terms "miscellaneous officer or employee," or "member," as used in this section shall mean any officer or employee who is not a member of the fire or police departments as defined in the charter for the purpose of the retirement system, under section 165 of the charter.

"Retirement system" or "system" shall mean San Francisco City and County Employees' Retirement System as created in section 158 of the charter.

"Retirement board" shall mean "retirement board" as created in section 159 of the charter.

"Charter" shall mean the charter of the City and County of San Francisco.

Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

"Interest" shall mean interest at the rate adopted by the retirement board.

(B) Any member who completes at least twenty years of service in the aggregate credited in the retirement system and attains the age of fifty-five years, or at least ten years of service in the aggregate credited in the retirement system, and attains the age of sixty years, said service to be computed under subsection (G) hereof, may retire for service at his option. Members shall be retired on the first day of the month next following the attainment by them of the age of sixty-five years. A member retired after reaching the age of sixty years shall receive a service retirement allowance at the rate of $1\frac{2}{3}$ per cent of said average final compensation for each year of service; provided, however, that upon the compulsory retirement of a member upon his attainment of the age of 65 years, if the allowance available to such member pursuant to the provisions of subsection (F) of this section shall be greater in amount than the service retirement allowance otherwise payable to such member under this subsection (B), then such member shall receive as his service retirement allowance, in lieu of the allowance otherwise payable under this subsection (B), an allowance computed in accordance with the formula provided in said subsection (F). The service retirement al-

lowance of any member retiring prior to attaining the age of sixty years, after rendering twenty years or more of such service and having attained the age of fifty-five years, computed under subsection (G), shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled upon retirement at age sixty and with the service credited at the date of actual retirement.

Before the first payment of a retirement allowance is made, a member retired under this subsection or subsection (C) of this section, may elect to receive the actuarial equivalent of his allowance, partly in an allowance to be received by him throughout his life, and partly in other benefits payable after his death to another person or persons, provided that such election shall be subject to all the conditions prescribed by the board of supervisors to govern similar elections by other members of the retirement system, including the character and amount of such other benefits; provided, however, that at any time within 30 days after the date on which his compulsory retirement would otherwise have become effective, a member who has attained the age of 65 years may elect, without right of revocation, to withdraw his accumulated contributions, said election to be exercised in writing on a form furnished by the retirement system and filed at the office of said system and a member so electing shall be considered as having terminated his membership in said system on the date immediately preceding the date on which his compulsory retirement would otherwise have become effective and he shall be paid forthwith his accumulated contributions, with interest credited thereon. Notwithstanding the provisions of Section 165.6 of this charter, the portion of service retirement allowance provided by the city and county's contributions shall be not less than $100 per month upon retirement after thirty years of service and after attaining the age of sixty years, and provided further that as to any member with fifteen years or more of service at the compulsory retirement age of sixty-five, the portion of the service retirement allowance provided by the city and county's contribution shall be such that the total retirement allowance shall not be less than $100 per month. In the calculations under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service, the average final compensation in each case being that for the respective class of service; provided that the aggregate retirement allowance shall be taken into account in applying the provisions of this subsection providing for a minimum retirement allowance. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and

when so reduced shall be applied on full time service and compensation in the calculation of retirement allowances.

(C) Any member who becomes incapacitated for performance of duty because of disability determined by the retirement board to be of extended and uncertain duration, and who shall have completed at least ten years of service credited in the retirement system in the aggregate, computed as provided in subsection (G) hereof, shall be retired upon an allowance of one and one-half per cent of the average final compensation of said member, as defined in subsection (A) hereof for each year of credited service, if such retirement allowance exceeds one-third ($\frac{1}{3}$) of his average final compensation; otherwise one and one-half ($1\frac{1}{2}$) per cent of his average final compensation multiplied by the number of years of city-service which would be credited to him were such city-service to continue until attainment by him of age sixty, but such retirement allowance shall not exceed one-third ($\frac{1}{3}$) of such average final compensation. In the calculation under this subsection of the retirement allowance of a member having credit for service in a position in the evening schools and service in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, the average final compensation in each case being that for the respective class of service; provided that the average final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him during the five (5) years immediately preceding his retirement. Part time service and compensation shall be reduced to full time service and compensation in the manner prescribed by the board of supervisors, and when so reduced shall be applied as full time service and compensation in the calculation of retirement allowances. The question of retiring a member under this subsection may be brought before the retirement board on said board's own motion, by recommendation of any commission or board, or by said member or his guardian. If his disability shall cease, his retirement allowance shall cease, and he shall be restored to service in the position or classification he occupied at the time of his retirement.

(D) No modification of benefits provided in this section shall be made because of any amounts payable to or on account of any member under workmen's compensation laws of the State of California.

(E) If a member shall die, before his retirement, regardless of cause:

(1) If no benefit is payable under subdivision (2) of this subsection (E), a death benefit shall be paid to his estate or designated beneficiary consisting of the compensation earnable by him during the six months immediately preceding death, plus his contributions and interest credited thereon.

(2) If, at the date of his death, he was qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, and he has designated as beneficiary his surviving spouse, who was married to him for at least one full year immediately prior to the date of his death, one-half of the retirement allowance to which the member would have been entitled if he had retired for service on the date of his death shall be paid to such surviving spouse who was his designated beneficiary at the date of his death, until such spouse's death or remarriage, or if there be no surviving spouse, to the unmarried child or children of such member under the age of eighteen years, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If, at the death of such surviving spouse, who was receiving an allowance under this subdivision (2), there be one or more unmarried children of such member under the age of eighteen years, such allowance shall continue to such child or children, collectively, until every such child dies, marries or attains the age of eighteen years, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If the total of the payments of allowance made pursuant to this subdivision (2) is less than the benefit which was otherwise payable under subdivision (1) of this subsection, the amount of said benefit payable under subdivision (1) less an amount equal to the total of the payments of allowance made pursuant to this subdivision (2) shall be paid in a lump sum as follows:

(a) If the person last entitled to said allowance is the remarried surviving spouse of such member, to such spouse.

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to said allowance.

The surviving spouse may elect, on a form provided by the retirement system and filed in the office of the retirement system before the first payment of the allowance provided herein, to receive the benefit provided in subdivision (1) of this subsection in lieu of the allowance which otherwise would be payable under the provisions of this subdivision. If a surviving spouse, who was entitled to make the election herein provided, shall die before or after making such election but before receiving any payment pursuant to such election, then the legally appointed guardian of the unmarried children of the member under the age of eighteen years may make the election herein provided before any benefit has been paid under this subsection (E), for and on behalf of such children if in his judgment it appears to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

If any person other than such surviving spouse shall have and be paid a community property interest in any portion of any benefit provided under this subsection (E), any allowance payable under this subdivision (2) shall be reduced by the actuarial equivalent, at the date of the member's death, of the amount of benefits paid to such other person.

Upon the death of a member after retirement and regardless of the cause of death, a death benefit shall be paid to his estate or designated beneficiary in the manner and subject to the conditions prescribed by the board of supervisors for the payment of a similar death benefit upon the death of other retired members.

(F) Should any miscellaneous member cease to be employed as such a member, through any cause other than death or retirement, all of his contributions, with interest credited thereon, shall be refunded to him subject to the conditions prescribed by the board of supervisors to cover similar terminations of employment and reemployment with and without redeposit of withdrawn accumulated contributions of other members of the retirement system, provided that if such member is entitled to be credited with at least ten years of service or if his accumulated contributions exceed one thousand dollars ($1,000), he shall have the right to elect, without right of revocation and within 90 days after said termination of service, or if the termination was by lay-off, 90 days after the retirement board determines the termination to be permanent, whether to allow his accumulated contributions to remain in the retirement fund and to receive benefits only as provided in this paragraph. Failure to make such election shall be deemed an irrevocable election to withdraw his accumulated contributions. A person who elects to allow his accumulated contributions to remain in the retirement fund shall be subject to the same age requirements as apply to other members under this section for service retirement but he shall not be subject to a minimum service requirement. Upon the qualification of such member for retirement by reason of age, he shall be entitled to receive a retirement allowance which shall be the actuarial equivalent of his accumulated contributions and an equal amount of the contributions of the city and county, plus $1\frac{3}{4}$ per cent of his average final compensation for each year of service credited to him as rendered prior to his first membership in the retirement system. Upon the death of such member prior to retirement, his contributions with interest credited thereon shall be paid to his estate or designated beneficiary.

(G) The following time and service shall be included in the computation of the service to be credited to a member for the purpose of determining whether such member qualifies for retirement and calculating benefits:

(1) Time during which said member is a member of the retirement system and during and for which said member is

entitled to receive compensation because of services as a miscellaneous officer or employee.

(2) Service in the fire and police departments which is not credited as service of a member under this section shall count under this section upon transfer of a member of either of such departments to employment entitling him to membership in the retirement system under this section, provided that the accumulated contribution standing to the credit of such member shall be adjusted by refund to the member or by payment of the member to bring the account at the time of such transfer to the amount which would have been credited to it had the member been a miscellaneous employee throughout the period of his service in either of such departments at the compensation he received in such departments.

(3) Time during which said member is absent from a status included in paragraphs (1) or (2) next preceding which is not deemed absence from service under the provisions of section 161 of the charter and for which such member is entitled to receive credit as service for the city and county by virtue of contributions made in accordance with the provisions of such section.

(4) Prior service determined and credited as prescribed by the board of supervisors for persons who are members under section 165.

(5) The board of supervisors, by ordinance enacted by a three-fourths vote of its members, may provide for the crediting as service under the retirement system of service, other than military service, rendered as an employee of the federal government and service rendered as an employee of the State of California or any public entity or public agency in the State of California. Said ordinance shall provide that all contributions required as the result of the crediting of such service shall be made by the member and that no contributions therefor shall be required of the city and county.

(H) All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The rate of contribution of each member under this section shall be based on his nearest age at the effective date of his membership in the retirement system. The normal rate of contribution of each such member, to be effective from the effective date of membership under this section, shall be such as, on the average for such member, will provide, assuming service without interruption, under subsection (B) of this section, one-half of that portion of the service retirement allowance to which he would be entitled if retired at age sixty or higher age after rendering ten years of service for retirement under that subsection. No adjustment shall be included in said rates because of time during which members have contributed at different rates. Members' rates of contributions shall be changed only in the manner prescribed by the board

of supervisors for changing contributions rates of other members.

(2) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rate of contribution to such compensation. Amounts which would have been deducted in the absence of the limit on such deductions according to service credited, shall be paid to the retirement system following the removal of such limit, in manners and at times approved by the retirement board. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member of his estate or beneficiary as provided in subsections (E) and (F) of this section, provided that the portion of the salaries of the teachers as provided in section 165, paragraph (a), as a basis for fixing the contributions to be made, and the benefits to be received, by the teachers under the retirement system shall be determined by the method provided in section 165, paragraph (a) and shall not be less than eighty per cent of the total salary received by the teachers, unless the board of supervisors shall otherwise provide by ordinance enacted by three-fourths vote of all members of the board.

(3) Contributions based on time included in paragraphs (1) and (3) of subsection (G), and deducted prior to the effective date hereof, from compensation of persons who become members under this section, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(4) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, on the effective date hereof, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(5) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this subsection (H), to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which

his rate of contribution is determined in paragraph (1), subsection (H), shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year, to persons who are members under this section, said percentage to be the ratio of the value of the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective member after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(6) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in the section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

(I) Upon the completion of the years of service set forth in subsection (B) of this section as requisite to retirement, a member shall be entitled to retire at any time thereafter in accordance with the provisions of said subsection (B), and nothing shall deprive said member of said right.

(J) No person retired under this section, for service or disability and entitled to receive a retirement allowance under

the retirement system shall serve in any elective or appointive position in the city and county service, including membership on boards and commissions, nor shall such persons receive any payment for service rendered to the city and county after retirement, provided that service as an election officer or juror shall not be affected by this section.

(K) Any section or part of any section in this charter, insofar as it should conflict with this section, or with any part thereof, shall be superseded by the contents of this section. In the event that any word, phrase, clause or subsection of this section shall be adjudged unconstitutional, the remainder thereof shall remain in full force and effect.

(L) Notwithstanding the provisions of subsections (B), (C), (F) or (I) of this section, any member convicted of a crime involving moral turpitude committed in connection with his duties as an officer or employee of the City and County of San Francisco, shall, upon his removal from office or employment pursuant to the provisions of this charter, forfeit all right to any benefits under the retirement system except refund of his accumulated contributions; provided, however, that, if such member is qualified for service retirement by reason of service and age under the provisions of subsection (B) of this section, he shall have the right to elect, without right of revocation and within 90 days after his removal from office or employment, whether to withdraw all of his accumulated contributions or to receive as his sole benefit under the retirement system an annuity which shall be the actuarial equivalent of his accumulated contributions at the time of such removal from office or employment.

(M) The amendments of this section contained in the proposition therefor submitted to the electorate on November 5, 1968, shall be effective on the first day of the month next following ratification by the State Legislature. Said amendments do not and shall not increase any allowance first in effect prior to the effective date of said amendments, nor shall they give any person retired prior to said effective date, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date.

Social Security Coverage

Section 165.6. The board of supervisors may enact, by a vote of three-fourths of its members, an ordinance or ordinances prescribing the conditions according to which any and all employees of the San Francisco Unified School District and employees of the City and County of San Francisco, other than members of the fire and police department as defined in section 162, may be covered under the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, subject to the provisions of this section. "City and County" as hereinafter used shall mean

the City and County of San Francisco and the San Francisco Unified School District.

(A) Any member of the San Francisco City and County Employees' Retirement System, hereinafter referred to as the system, who is or becomes covered by the Federal Old-Age and Survivors Disability Insurance provisions of the Federal Social Security Act, hereinafter referred to as the Act, shall continue to contribute to the system the normal contributions required of him, except that he shall have the right to reduce his normal contributions under the system at his option to be exercised by an election on the system's form, said election to be effective on the first day of the month next following its filing in the system's office. Such reduction of normal contributions shall apply only to time during which said member is covered under the Act, and after the effective date of this section, hereby fixed as the first day of the month next following its ratification by the State Legislature, and the amount of said reduction, which may be changed from time to time by said member, in accordance with rules and regulations of the Retirement Board, shall not be more than the amount of said member's contribution under the Act.

Any allowance payable to or on account of such member by the system shall be reduced on the effective date of said allowance by the actuarial equivalent on that date of the normal contributions, including interest to said date, with which said member would have been but was not credited under the system because of said reduction in his normal contributions and because of amounts paid from such member's accumulated contributions for the retroactive period hereinafter provided for, and any continuation of said allowance shall be based on such reduced allowance but said allowance shall not be affected otherwise by the member's reduction of his normal contributions. Said member shall have the right to contribute amounts, which shall be administered as additional contributions, to replace all or part of such reduction in his retirement allowance.

(B) The reductions in allowances and contributions of members shall be made as provided in the foregoing paragraphs notwithstanding any provisions in the charter to the contrary.

(C) Every employee covered by the agreement providing coverage under the Act shall be liable for the employee contributions required by the Act.

(D) The effective date of coverage under the Act may be made retroactive to such date as the board of supervisors may determine. Contributions required under the Act of each member for time included by the retroactive application shall be paid from such member's accumulated contributions held by the system on account of his compensation not in excess of the maximum compensation taxable under this Act for such retroactive time. If the required contributions under the Act

exceed the member's accumulated contributions held by the system so determined, the additional contributions under the Act equal to the excess shall be paid by the member. Contributions required under the Act of the employer on account of such retroactive period shall be paid from funds held by the system on account of active members and derived from contributions of the city and county.

(E) Any member who is covered by section 210(1) of the Act on the effective date of the agreement between the state and federal government to extend coverage to the members of the system under the Act shall not be subject to this section unless he elect to be covered in accordance with this section, such election to be on a form furnished by the system and to be filed in the office of the system not later than one hundred eighty (180) days after the effective date of such agreement. Such election shall be irrevocable. Such election shall fix the status of the member under such coverage as the same in all respects as if he had not been covered under section 210(1), except that there shall be no adjustment of the member's accumulated contributions or of the funds held by the system, and derived from contributions of the city and county, on account of social security tax for such retroactive period.

Each member who enters the employ of the municipal railway after the effective date of the agreement between the state and federal government to extend coverage to other members of the system under the Act shall be covered under the act in accordance with the terms of this section and the ordinance or ordinances enacted pursuant thereto.

(F) Provision shall be made for modification of the member's retirement allowance at his option, if he retires before he attains the minimum age of qualification for his primary benefit under the Act, in such manner that will make his increased monthly retirement allowance under the system prior to attainment of such age equal to the sum of his decreased monthly allowance after attainment of such age, and his primary benefit under the Act, upon the basis of an estimated primary benefit under the Act, subject to the requirement that the amounts of the increase and decrease in the monthly allowance shall be actuarially equivalent, and that the increase shall not be modified under an option provided by ordinance.

(G) Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural and the plural the singular.

(H) The contribution rates of the city and county applicable to various memberships under section 165.2 shall be adjusted to rates determined by the actuary according to methods stated in paragraph 5, subsection (H) of section 165.2.

(I) The board of supervisors shall submit to the eligible employees for purposes of referendum as defined in the Act

the question as to whether they desire coverage under the Act in accordance with conditions prescribed in this section.

(J) The powers of the board of supervisors granted in section 158 shall include the authority to make such adjustments in the retirement system, by a vote of three-fourths of its members, as are not made by this section, but as required because of changes in the Act, to carry out the purposes of this section.

(K) The amendments of this section contained in the proposition therefor submitted to the electorate on November 5, 1968, shall be effective on the first day of the month next following ratification by the State Legislature.

Every retirement allowance payable by the system for time commencing on the effective date of said amendments to or on account of any member or retired member covered by the Act on account of services rendered by him to the city and county shall be the retirement allowance to which such member or retired member is entitled without reduction on account of such coverage, except as provided in this section. Said amendments do not and shall not give any member retired prior to said effective date, or his successors in interest, any claim against the city and county for any increase in any retirement allowance paid or payable for time prior to said effective date.

Section 168 1.10. All payments provided for persons who are members under section 168.1 shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member shall be based on his age taken to the next lower complete quarter year, (a) at the date he became a member under sections 165 or 168, in the case of persons who are members under these sections, or (b) at July 1, 1945, in the case of persons who are members under section 166, and his age taken to the next lower completed quarter year, when he entered the police department, or (c) on his age at the date he becomes a member under section 168.1, in the case of persons who become members on or after July 1, 1945 without credit for services counted under section 168.1.9. The age of entrance into the police department shall be determined by deducting the member's service credited under section 168.1 9 as rendered prior to the date upon which his age is based for determination of the rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each member, to be effective from the effective date of membership under section 168.1, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 168.1.2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, without discount of

allowance, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six per cent.

(2) The dependent rate of contribution of each member which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 168.1.2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 168.1.5, after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement from disability resulting from other causes, regardless of his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith. The dependent rate of contribution, however, shall not exceed the difference between six per cent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under section 168.1, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in sections 168.1.7, 168.1.8, and 168.1.9.

(4) Contributions based on time included in paragraphs (1), (2), (3) and (4) of section 168.1.9, and deducted prior to July 1, 1945, from compensation of persons who become members under section 168.1, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and

administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section.

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 168.1.10, to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1), section 168.1.10, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 168.1, said percentage to be the ratio of the value on July 1, 1945, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be made every odd-numbered year.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies, the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of

said system are included. Nothing in this section shall affect the obligation of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

Section 171.1.10. All payments provided under this section shall be made from funds derived from the following sources, plus interest earned on said funds:

(1) The normal rate of contribution of each member under this section shall be based on his age taken to the next lower complete quarter year, (a) at the earlier of the dates he became a member under section 165, 165.2 or 171, in the case of persons who are members under these sections, or (b) on his age at the date he becomes a member under section 171.1 in the case of persons who become members on or after the effective date of this amendment, without credit for service counted under section 171.1.9. The age of entrance into the fire department shall be determined by deducting the member's service credited under section 171.1.9 as rendered prior to the date upon which his age is based for determination of his rate of contribution according to the sentence next preceding, from said age. The normal rate of contribution of each such member, to be effective from the effective date of membership under section 171.1, shall be such as, on the average for such member, will provide, assuming service without interruption, under section 171.1.2, one-third of that portion of the service retirement allowance to which he would be entitled, without continuance to dependents, upon first qualifying as to age and service, for retirement under that section, which is based on service rendered after the date upon which his age is based for determination of his rate of contribution according to the first sentence in this paragraph, and assuming the contribution to be made from that date. The normal rate of contribution, however, shall not exceed six per cent.

(2) The dependent contributions of each member under this section which shall be required of each member throughout his membership in addition to the normal contributions, and in the same manner as normal contributions, shall be such as, on the average for such member, will provide, assuming service without interruption under section 171.1.2, and upon his first qualifying as to age and service for retirement under that section, one-third of the portion of his allowance, which is to be continued under section 171.1.5 after his death and throughout the life of a surviving wife whose age at said death is three years less than the age of said member. If, at the date of retirement for service or retirement for disability resulting from injury received in performance of duty, said member has no wife who would qualify for the continuance of the allowance to her after the death of said member, or upon retirement for disability resulting from other causes, regardless of

his marital condition, the dependent contributions with accumulated interest thereon, shall be paid to him forthwith The dependent rate of contribution, however, shall not exceed the difference between six per cent and the member's normal rate of contribution, and said dependent rate may be taken as a flat percentage of the member's normal rate, regardless of the age of qualification for service retirement.

(3) There shall be deducted from each payment of compensation made to a member under this section, a sum determined by applying the member's rates of contribution to such compensation payment. The sum so deducted shall be paid forthwith to the retirement system. Said contribution shall be credited to the individual account of the member from whose salary it was deducted, and the total of said contributions, together with interest credited thereon in the same manner as is prescribed by the board of supervisors for crediting interest to contributions of other members of the retirement system, shall be applied to provide part of the retirement allowance granted to, or allowance granted on account of said member, under this section or shall be paid to said member or his estate or beneficiary as provided in sections 171.1.7, 171.1.8 and 171.1.9.

(4) Contributions based on time included in paragraphs (1), (2) and (3) of section 171.1.9, and deducted prior to the effective date thereof, from compensation of persons who become members under section 171.1, and standing with interest thereon, to the credit of such members on the records of the retirement system on said date, shall continue to be credited to the individual accounts of said members and shall be combined with and administered in the same manner as the contributions deducted after said date.

(5) The total contributions, with interest thereon, made by or charged against the city and county and standing to its credit, in the accounts of the retirement system, on account of persons who become members under this section, shall be applied to provide the benefits under this section

(6) The city and county shall contribute to the retirement system such amounts as may be necessary, when added to the contributions referred to in the preceding paragraphs of this section 171.1.10, to provide the benefits payable under this section. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by each member prior to the date upon which his age is based for determination of his rate of contribution in paragraph (1) section 171.1.10, shall not be less during any fiscal year than the amount of such benefits paid during said year. Such contributions of the city and county to provide the portion of the benefits hereunder which shall be based on service rendered by respective members on and after the date stated in the next preceding sentence, shall be made in annual in-

stallments, and the installment to be paid in any year shall be determined by the application of a percentage to the total compensation paid during said year, to persons who are members under section 171.1, said percentage to be the ratio of the value on the effective date hereof, or at the later date of a periodical actuarial valuation and investigation into the experience under the system, of the benefits thereafter to be paid under this section, from contributions of the city and county, less the amount of such contributions, and plus accumulated interest thereon, then held by said system to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system. Said actuarial valuation shall be made every even-numbered year and said investigation into the experience under the system shall be every odd-numbered year.

(7) To promote the stability of the retirement system through a joint participation in the result of variations in the experience under mortality, investment and other contingencies the contributions of both members and the city and county held by the system to provide the benefits under this section, shall be a part of the fund in which all other assets of said system are included. Nothing in this section shall affect the obligations of the city and county to pay to the retirement system any amounts which may or shall become due under the provisions of the charter prior to the effective date hereof, and which are represented on said effective date, in the accounts of said system by debits against the city and county.

Proposition F

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by amending Section 58 thereof relating to probation boards.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 5, 1968 a proposal to amend the Charter of said city and county by amending Section 58 thereof to read as follows:

Probation Boards

Section 58. The adult probation committee and the juvenile probation board or committee shall continue to exercise

their respective powers and duties as fixed by state laws, except as in this charter otherwise provided.

The Superior court judges of the city and county presiding in the department or departments for the hearing and disposition of criminal cases and proceedings shall, by order entered in the minutes of the court in the criminal department or departments thereof, appoint the adult probation officer.

A majority of the superior court judges of the city and county shall, by order entered in the minutes of the court in the department of the presiding judge, appoint the chief probation officer of the juvenile court, such appointment to be based on specified professional qualifications to be established and published by a majority of the judges of the superior court.

The chief probation officer of the juvenile court may be removed only by a vote of a majority of the judges of the superior court. The chief probation officer, prior to his removal, may request a hearing before a committee of five judges appointed by the presiding judge.

The adult probation officer shall appoint such assistants, deputies and employees as may be allowed or provided by the board of supervisors, subject to confirmation by the adult probation board or committee created by state law.

The chief probation officer of the juvenile court shall appoint such assistants, deputies and employees as may be allowed or provided by the board of supervisors, subject to confirmation by the juvenile probation board or committee created by state law.

The salaries of the adult probation officer, the chief probation officer of the juvenile court, their assistants, deputies and employees shall be fixed by the board of supervisors in the same manner as for other officials and employees of the city and county.

The adult probation officer, the chief probation officer of the juvenile court and their assistants and deputies shall have the powers conferred upon adult probation officers, probation officers of the juvenile court, their assistants and deputies, by the laws of the State of California; and they shall perform all of the duties prescribed by such laws, and such additional duties as may be prescribed by ordinances of the board of supervisors.

The civil service provisions of this charter shall apply to and govern the assistants, deputies and employees of the adult probation officer and of the chief probation officer of the juvenile court. For purposes of this charter the adult probation officer shall be the appointing officer as to his assistants, deputies and employees, subject to confirmation as aforesaid; and the said chief probation officer of the juvenile court shall be the appointing officer as to his assistants, deputies and employees, subject to confirmation as aforesaid.

Any person who has served as an assistant, deputy or employee of such adult probation officer or of such chief probation officer of the juvenile court, or in the probation department of the city and county for a continuous period of one year immediately prior to the time this charter shall go into effect, and who shall be actually serving as such assistant, deputy, or employee at that time, is hereby declared to be appointed within the civil service provisions of this charter to the office or position in which he may then be serving; and shall be entitled to all the benefits of this charter thereafter.

The pension and retirement provisions of this charter shall apply to and govern the adult probation officer, the chief probation officer of the juvenile court, their assistants, deputies and employees.

Proposition G

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 158.5 thereto to empower the board of supervisors to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the sheriff, undersheriff and all deputized personnel of the sheriff's department shall be members of said retirement system.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held therein on November 5, 1968, a proposal to amend the charter of said city and county by adding Section 158.5 thereto, to read as follows:

Section 158.5. Notwithstanding any other provisions of this Charter, the board of supervisors shall have the power to contract with the Board of Administration of the Public Employees' Retirement System of the State of California to provide that the sheriff, undersheriff and all deputized personnel of the sheriff's department shall be members of the public employees' retirement system, and the board of supervisors and the retirement board shall have the power to perform all acts necessary to carry out the terms and purposes of such contract.

Any person who shall become a member of the public employees' retirement system pursuant to such contract shall have the right to be a member of the health service system and the health service board shall make provision for participation in the benefits of the health service system by such persons.

State of California }
City and County of San Francisco } ss

This is to certify that we, John A. Ertola, President of the Board of Supervisors of the City and County of San Francisco, and Robert J. Dolan, Clerk of the Board of Supervisors

of said city and county, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals which were submitted to the electors of said city and county at a general election held on Tuesday, the fifth day of November, One Thousand Nine Hundred and Sixty-eight; and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the City and County of San Francisco, this twenty-third day of December, One Thousand Nine Hundred and Sixty-eight.

JOHN A. ERTOLA
(SEAL) President of the Board of Supervisors
of the City and County of San Francisco

ROBERT J. DOLAN
Clerk of the Board of Supervisors
of the City and County of San Francisco

Approved as to form:
THOMAS M. O'CONNOR
City Attorney

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

RESOLUTION CHAPTER 11

Assembly Concurrent Resolution No. 1—Approving a certain amendment to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a special election consolidated with the general election held therein on November 5, 1968.

[Filed with Secretary of State January 20, 1969.]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of an amendment, hereinafter set forth, to the Charter of the City of Santa

Barbara, a municipal corporation in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and city clerk of said city as follows:

CERTIFICATE OF RATIFICATION OF A CHARTER AMENDMENT BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California
County of Santa Barbara } ss.
City of Santa Barbara

We, the undersigned, W. Don MacGillivray, Mayor of the City of Santa Barbara, and Robert W. Hutton, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of said City, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City a certain proposal for the amendment of the Charter of said City at a special election consolidated with the general election duly and regularly called and held for that purpose in said City on the 5th day of November, 1968, said charter amendment being herein designated as Charter Amendment—Proposition D.

That on the 21st day of September, 1968, said Council caused said proposed Charter amendment to be duly and regularly published and advertised in each and every edition of said 21st day of September, 1968, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City, there being no official paper of said City.

That said Council caused copies of said proposed Charter amendment to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said City.

That said Council, until the day fixed for the election upon said proposed Charter amendment, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said City, a notice that copies thereof might be had upon application therefor; that copies of said proposed Charter amendment could be had upon application therefor at the office of the City Clerk of said City up to and including the day fixed for said special election.

That said special election consolidated with a general election was duly and regularly held in said City on the 5th day

of November, 1968, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter amendment, and the returns of said special election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified electors voting thereon voted in favor of and did ratify said Charter amendment hereinafter specifically set forth.

That said amendment to the Charter of said City so ratified by the voters of said City is as follows, to wit:

Charter Amendment—Proposition D

That Section 500 of Article V of the Charter of the City of Santa Barbara (1967) be amended to read as follows:

"Article V

"Mayor and City Council

"Section 500. City Council. Terms. The elective officers of the City shall consist of a City Council of seven members, including the Mayor, all to be elected from the City at large at the times and in the manner provided in this Charter and who shall serve for terms of four years and until their respective successors qualify.

"The Mayor and members of the City Council in office at the time this Charter amendment takes effect shall continue in office until their successors are elected and qualified. Three members of the City Council shall be elected at the general municipal election to be held in April, 1969, (to succeed the members whose terms expire in 1969) and each fourth year thereafter. Three members of the City Council shall be elected at the general municipal election to be held in April, 1971, (to succeed the members whose terms expire in 1971) and each fourth year thereafter. The Mayor shall be elected as Mayor, separate and apart from the other members of the City Council, at the general municipal election held in April, 1969, and each fourth year thereafter.

"The term of the Mayor and each member of the City Council shall commence on the first Tuesday following his election. Ties in voting among candidates for office shall be settled by the casting of lots."

That we have compared the amendment as stated herein with the original proposal submitted to the electors of said City and find and certify that it is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 9th day of December, 1968.

(SEAL)

W. DON MACGILLIVRAY, Mayor of the City of Santa Barbara, California
ROBERT W. HUTTON, City Clerk of the City of Santa Barbara, California

and

WHEREAS, Said proposed charter amendment as ratified (being hereinabove set forth) has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration and in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all the Members elected to each house voting therefor and concurring therein, That the aforementioned amendment to the Charter of the City of Santa Barbara as proposed to, adopted and ratified by, the qualified electors of said City of Santa Barbara be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the Charter of the City of Santa Barbara.

RESOLUTION CHAPTER 12

Assembly Concurrent Resolution No. 12—Relative to proclaiming Astronauts' Day.

[Filed with Secretary of State January 20, 1969.]

WHEREAS, The Members of the Legislature and all other Californians with pride and wonder recently witnessed the exciting and daring flight to the moon by National Aeronautics and Space Administration Astronauts William Anders, Frank Borman and James Lovell; and

WHEREAS, This significant and impressive milestone in man's reach towards space has inspired many with the accomplishments which men working together in peace can achieve; and

WHEREAS, Californians note with pride the contribution to this great adventure made by the employees of the Aerojet General Corporation in the design and manufacture of the service propulsion engine which functioned faithfully during the Apollo 8 mission; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to select an appropriate date therefor and proclaim such date as Astronauts' Day and to invite the astronauts of the Apollo 8 mission to come to California on this day to address the Legislature in joint convention and receive an appropriate award from the Governor; and be it further

Resolved, That the Governor furnish and present an appropriate award to each of such astronauts on Astronauts' Day; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 13

Senate Concurrent Resolution No. 2—Relative to congratulating the Honorable Robert H. Finch.

[Filed with Secretary of State January 20, 1969.]

WHEREAS, It was indeed with the most sincere sense of pleasure and pride that the Members of the Legislature of the State of California learned of the selection by the President-Elect of the United States of the Honorable Robert H. Finch, the Lieutenant Governor of California, to become the Secretary of Health, Education, and Welfare of the United States; and

WHEREAS, One of the most popular and able men to ever hold the office, the Honorable Robert H. Finch has compiled a distinguished record of achievement as California's 38th Lieutenant Governor in serving as the President of the Senate; as a Regent of the University of California and a Trustee of the California State Colleges; as Chairman of California's Job Training and Placement Council, the Commission of the Californias, the Interagency Council for Ocean Resources, the California Bicentennial Celebration Commission, and of the Electronic Data Processing Policy Committee; and as a member of the Executive Committee of the Intergovernmental Council on Urban Growth, the State Lands Commission, the Governor's Council, the California State Disaster Council, the Toll Bridge Authority, the Commission on Interstate Cooperation, and the Governor's Cabinet; and

WHEREAS, He has a thorough understanding of the role of government in today's complex society and the wisdom and vision to find practical solutions to the knotty problems facing the nation in the fields of health, education, and welfare; and

WHEREAS, A graduate of Occidental College and the University of Southern California Law School, he is a member of the State Bar of California, and has been an instructor, counsel, and trustee of Palos Verdes College and an instructor and member of the Advisory Board of Marymount College; and

WHEREAS, During World War II and the Korean War he served his nation as an enlisted man and officer of the United States Marine Corps; and

WHEREAS, A devoted husband and father, he and his wife, the former Carol Crothers, are the proud parents of four children, Maureen, 18; Kevin, 14; Priscilla, 12; and Cathleen, 10; and

WHEREAS, The Honorable Robert H. Finch is a man eminently qualified to serve the people of this nation in the high office which he has been selected by the President-Elect to hold; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members do hereby extend their heartiest congratulations to the Honorable Robert H. Finch upon his selection to become the Secretary of Health, Education, and Welfare of the United States and their best wishes for his success in that position; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Honorable Robert H. Finch.

RESOLUTION CHAPTER 14

Senate Concurrent Resolution No. 6—Approving five certain amendments to the Charter of the County of San Diego, State of California, submitted to, voted for, and ratified by the qualified electors of said county at a general election held therein on November 5, 1968.

[Filed With Secretary of State January 20, 1969.]

WHEREAS, The County of San Diego, State of California, has been at all times herein mentioned, and now is, a body politic, and a political subdivision of the State of California, and is now and has been, since the first day of July 1933, organized and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said county at a general election held for that purpose on November 8, 1932, and approved by the Legislature of the State of California, on January 17, 1933, and filed in the office of the Secretary of State on January 17, 1933; and

WHEREAS, The board of supervisors of said county, pursuant to the provisions of said Section 7½ of Article XI of said Constitution, did by resolutions and orders adopted on September 10, 1968 and September 16, 1968 duly propose to the qualified electors of said County of San Diego, five amendments to the charter of said county, designated on the ballot as County Propositions A, B, C, D and E, and ordered that said amendments be submitted to said qualified electors of said county at a general election to be held in said county on November 5, 1968, which date was fixed by law as the date for holding said general election; and

WHEREAS, Said proposed amendments to the Charter of the County of San Diego were published for 10 times in the San Diego Union, a daily newspaper of general circulation, printed, published and circulated in said county, on September 24, 25, 26, 27, 28, 29, 30, and October 1, 2, and 3, 1968; and

WHEREAS, Said general election was held in said County of San Diego on November 5, 1968, which said day was not less than 30 days and not more than 60 days after said proposed amendments to said charter had been published for 10 times in said San Diego Union; and

WHEREAS, Thereafter the returns of said general election held in the County of San Diego on November 5, 1968, at which said election said proposals were duly submitted to the vote of the qualified electors of said county, were made to and canvassed by the Registrar of Voters of the County of San Diego, and by said officer certified to the clerk of the board of supervisors of said county, and said clerk of the board of supervisors did on November 20, 1968, duly enter on the records of said board of supervisors a statement of the result of said canvass and said election in the form and manner prescribed by law; and

WHEREAS, At said general election held on November 5, 1968, said proposed amendments to the Charter of the County of San Diego were and each of them was ratified by a majority of the electors of said county voting thereon; and

WHEREAS, Said charter amendments so ratified by the electors of said County of San Diego are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California and are in words and figures as follows, to wit:

County Proposition A
First Proposed Amendment to the Charter of the
County of San Diego

That Section 78 of said Charter be amended to read as follows:

Section 78: The Civil Service of the County is hereby divided into the Unclassified and the Classified service. The Unclassified Service shall consist of:

(a) All officers elected by the People and their Chief Deputies and all confidential or special investigators employed by any of said elective officers.

(b) The Assistant District Attorney and the Chief Deputy District Attorney and not to exceed three confidential or special investigators in said office to be designated by the District Attorney.

(c) The Under-sheriff and not to exceed three confidential investigators or deputies in the office of the Sheriff, to be designated by the Sheriff.

(d) All appointive Boards and Commissions.

(e) Superintendent of Schools.

(f) The Law Library Trustees.

(g) Members of the Civil Service Commission.

(h) Superintendents, Principals and Teachers in the public schools.

(i) All persons serving the County without compensation.

(j) All Judges of Justice Courts.

(k) Any officer or employee whose appointment is contingent upon approval or confirmation by the State of California.

(*l*) Students who are engaged in regularly established accredited training programs.

(m) Persons employed as guards, keepers or matrons in the office of the Sheriff, Marshal, Probation Officer or other law enforcement agency when such employment does not exceed a total of ninety working days during any calendar year.

(n) Persons employed as watchmen or merchants' patrolmen when such employment does not exceed 10 working days per calendar month.

(o) Deputy Registrars of Voters employed only to register electors.

(p) Persons employed as guards, custodians, wardens or caretakers in County parks for seasonal work.

(q) Persons employed as Assistant Registrars of Vital Statistics and paid on the basis of the number of births or deaths registered.

(r) Persons employed in positions for expert professional temporary services and when such positions are exempted from the classified service for a specified period of temporary service by order of the Civil Service Commission.

(s) Persons employed in any part-time or intermittent capacity where employment does not exceed ninety working days in any fiscal year when such positions are exempted from the classified service by order of the Civil Service Commission.

The Classified Service shall comprise all positions not specifically included by this Charter in the Unclassified Service; provided, however, that in the event of the creation of a new position or in the case of a vacancy in any position requiring peculiar and exceptional qualifications of a scientific, professional or expert character, upon satisfactory evidence that competitive examinations to qualify applicants for said position are impracticable, and that the position can best be filled by the selection of a person of recognized attainments, competitive examinations may be suspended by the Commission, but no such suspension shall be general in its application to such position and all such cases of suspension shall be reported, together with the reasons therefor, to the Board of Supervisors.

County Proposition B
Second Proposed Amendment to the Charter of the County of San Diego

That Section 78.1 of said Charter be amended to read as follows:

Section 78.1: Nothing in this article shall prevent the County or any officer, board, commission or agency of the

County from employing an independent contractor to provide services to the County when the Civil Service Commission has determined, upon the recommendation of the Board of Supervisors, that the services can be provided more economically and effiiciently than such services can be provided by a person or persons employed in the classified service, and the employment of such independent contractor will not require the removal, suspension, or layoff of any employee in the classified service.

County Proposition C
Third Proposed Amendment to the Charter of the
County of San Diego

That Sections 17, 17.1, 17.2, 17.3, 17.4, 17.5 and 17.6 be added to said Charter to read as follows:

Section 17: Chief Administrative Officer. There is hereby created the office of Chief Administrative Officer. On the effective date of this section the incumbent in the office heretofore established by Article VIII in the County's Administrative Code shall succeed to this office. Any vacancy hereafter occurring in this office shall be filled by appointment in the procedure prescribed for appointments to the Classified Service. The Chief Administrative Officer may be removed by a unanimous vote of all members of the Board of Supervisors following a 15-day notice of intention to remove; he may be removed by a $\frac{4}{5}$ vote of all members of the Board of Supervisors following a 30-day written notice of intention to remove.

Section 17.1: Duties. The Chief Administrative Officer shall act under the supervision of the Board and shall be subject to its direction. The Chief Administrative Officer shall attend meetings of the Board and shall have the right to report on or to discuss any matter before said Board concerning the affairs of the offices, departments, institutions, districts, boards and commissions of the County under his supervision. The Chief Administrative Officer shall assist the Board in coordinating the functions and operations of the several offices, departments, institutions, districts, boards and commissions of the County and shall on behalf of the Board administer, enforce and carry out the policies, rules, regulations and ordinances of the Board relating to the administration of the offices, departments, institutions, districts, boards and commissions of the County under his supervision.

Section 17.2: Supervision of County Departments and Operations. The Chief Administrative Officer shall execute on behalf of the Board its administrative supervision and control of the affairs of the County placed in his charge by said Board and of all offices, departments, institutions, districts, boards and commissions of the County for whom or for which the Board is required by law to adopt an annual budget, except the Assessor, the Superintendent of Schools, the District Attorney, the Sheriff, and the Civil Service Commission.

Section 17.3: Supervision of Expenditures. The Chief Administrative Officer, as agent of the Board, shall supervise the expenditures of all offices, departments, institutions, districts, boards and commissions of the County.

He shall report to the Board on whether such expenditures are necessary in his opinion for the current needs of such offices, departments, institutions, districts, boards or commissions of the County, and may report to the Board on any other matters relating thereto.

Section 17.4: Personnel. The Chief Administrative Officer may make recommendations to the Board and to the Civil Service Commission for the temporary transfer of such personnel as in his judgment is necessary from time to time to enable the offices, departments, institutions, districts, boards or commissions of the County under his supervision to perform their functions or accomplish their work with the greatest efficiency, and the Chief Administrative Officer may recommend to the Board the creation or abolition of positions in any such office, department, institution, district, board or commission of the County. No new positions shall be created or filled in any office, department, institution, district, board or commission of the County before receiving the recommendation of the Chief Administrative Officer thereon.

Section 17.5: Performance of Services. The Chief Administrative Officer may call upon any officer or employee in any office, department, institution, district, board or commission of the County under his supervision to perform any service which such officer or employee is legally authorized or required to perform to assist in carrying out any of the powers and duties vested in the Chief Administrative Officer by this Charter.

Section 17.6: Appeal to Board. The head of any office, department, institution or district or any board or commission that is dissatisfied with any decision of the Chief Administrative Officer that affects such office, department, institution, district, board or commission may appeal to the Board of Supervisors whose decision in the matter shall be final.

County Proposition D
Fourth Proposed Amendment to the Charter of the County of San Diego

That Sections 15 and 16 be added to said Charter to read as follows:

Section 15: Status of Appointive County Officers. On the effective date of this section all incumbents in appointive County offices and their principal assistants then in the Classified Service, except for the Chief Administrative Officer, shall remain in the Classified Service. All persons appointed to such offices following the effective date of this section other than the County Counsel and his principal assistant and those offi-

cers designated as in the Unclassified Service, shall be in the Executive Service of the County.

Section 16: Executive Service. There is hereby created the Executive Service of the County. All appointive County officers and their principal assistants, other than the County Counsel and his principal assistant and those officers designated as in the Unclassified Service, will be in the Executive Service. Appointments to the Executive Service will be made in the same manner as appointments to the Classified Service. Any appointive officer in the Executive Service may be removed by a $\frac{4}{5}$ vote of the Board of Supervisors upon recommendation of the Chief Administrative Officer. Any principal assistant in the Executive Service may be removed by his appointive authority with the approval of the Chief Administrative Officer. Any person to be removed from the Executive Service shall be entitled to demand and receive a public hearing before the Board of Supervisors at which the grounds for his removal shall be detailed and at which he may present evidence in regard thereto. The Board of Supervisors shall provide by ordinance for the procedure for such hearing.

County Proposition E
Fifth Proposed Amendment to the Charter of the County of San Diego

That Sections 14.1 and 14.2 of said Charter be repealed and Section 14 of said Charter be amended to read as follows:

Section 14: The Appointive County Officers shall be:

Agricultural Commissioner
Auditor and Controller
Clerk of the Board of Supervisors
Coroner
County Counsel
County Engineer and Road Commissioner
County Librarian
County Veterinarian
Director of Honor Camps
Director of Medical Institutions
Director of Parks and Recreation
Director of Personnel
Director of Planning
Director of Public Health
Director of Public Welfare
Director of Public Works
Director of Special District Services
Director of Veterans Service
Probation Officer
Public Administrator
Purchasing Agent
Registrar of Voters
Sealer of Weights and Measures
Superintendent of Schools

Such other officers as are now or hereafter may be required by law or ordinance shall also be appointive. The County Engineer and Road Commissioner shall be ex officio County Surveyor.

The Board of Supervisors, by ordinance, may combine and having combined may separate any of the appointive offices.

State of California }
County of San Diego } ss

We, the undersigned, Henry A. Boney, Chairman of the Board of Supervisors of the County of San Diego, State of California, and R. B. James, County Clerk of said County of San Diego, do hereby certify:

That the foregoing proposed and ratified amendments to the Charter of said County of San Diego, submitted to the electors of said county at a general election held in said county on November 5, 1968, have been compared by us, and each of us, with the proposed amendments set forth in the resolutions adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of the said Board of Supervisors of the County of San Diego this 9th day of December, 1968.

(SEAL)

HENRY A. BONEY
Chairman of the Board of Supervisors of the County of San Diego, State of California

R. B. JAMES
County Clerk of the County of San Diego, State of California

Attest:
R. B. JAMES
County Clerk of the County of San Diego, State of California

(SEAL)

WHEREAS, Said proposed amendments to the Charter of the County of San Diego, each and all of which were so ratified by a majority of the electors voting thereon at said general election held on November 5, 1968, have been submitted to the Legislature of the State of California for approval and ratification as a whole, without power of alteration or amendment, in accordance with the provisions of Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the County of San Diego, as proposed by the Board of Supervisors of said County of San Diego and as ratified by the electors of the said County of San Diego, and as hereinbefore set forth, be, and the same are hereby approved as a whole, without amendment or alteration, as amendments to, and as part of, the Charter of the County of San Diego.

RESOLUTION CHAPTER 15

Senate Concurrent Resolution No. 13—Relative to the death of Norma Lorbeer Murdy.

[Filed With Secretary of State January 20, 1969.]

WHEREAS, It is with deep sorrow that the Members of the Legislature have learned of the death on January 7, 1969, of Norma Lorbeer Murdy, wife of retired State Senator John A. Murdy, Jr.; and

WHEREAS, Senator and Mrs. Murdy shared 45 years of wedded bliss together, years in which she was a loyal companion and inspiration to her husband; and

WHEREAS, Norma Murdy and her husband were pioneer farmers and civic leaders in Orange County, and for many years they made their home on a lima bean ranch north of Huntington Beach, until the Senator's retirement in 1964; and

WHEREAS, Norma Lorbeer Murdy earned the love and admiration of all who knew her for her dedicated life as wife and mother; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members express their deepest regret and sincere condolences at the passing of Norma Murdy and extend their sympathy to her husband, Senator John A. Murdy, Jr., and to her children, her son, John A. Murdy, III, of Newport Beach, her two daughters, Mrs. George R. Trotter, Jr., and Mrs. Willis Miller, both of Tustin, and to her sister, Mrs. Elizabeth Hillis of Los Angeles, and to her fourteen loving grandchildren; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Senator John A. Murdy, Jr., John A. Murdy, III, Mrs. George R. Trotter, Jr., Mrs. Willis Miller, and Mrs. Elizabeth Hillis.

RESOLUTION CHAPTER 16

Assembly Concurrent Resolution No. 9—Relative to proclaiming the week of February 9–15 as Electrical Week.

[Filed with Secretary of State January 20, 1969]

WHEREAS, Electricity and the electrical industry contribute substantially to the social and economic strength and growth of the State of California; and

WHEREAS, Through extensive research and continuing improvements the electrical industry helps lead the way to human betterment and the prosperity of the State of California; and

WHEREAS, It is fitting that a period of time be set aside to direct attention to the importance of public services performed by electricity and to encourage safe and efficient use of electricity and electrical equipment; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the electric industry for its significant contributions to the people of the state; and be it further

Resolved, That the members request the Governor to proclaim the week of February 9–15, 1969, as Electrical Week in recognition of the electrical industry's many achievements; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and suitably prepared copies of this resolution to the American Home Lighting Institute, the Edison Electric Institute, the Farm Electrification Council, the International Association of Electrical Leagues, the International Brotherhood of Electrical Workers, the National Association of Electrical Distributors, the National Electrical Contractors Association, and the National Electrical Manufacturers Association.

RESOLUTION CHAPTER 17

Assembly Concurrent Resolution No. 13—Relative to the proclamation of Junior Achievement Week.

[Filed with Secretary of State January 20, 1969.]

WHEREAS, It has come to the attention of the Members of the Legislature that Junior Achievement was founded in 1919 as an educational program for high school students, designed to develop informed and responsible citizens to protect the economic and personal freedoms so important to our nation's future; and

WHEREAS, Through Junior Achievement, thousands of students between the ages of 15 and 19 are given the opportunity

to experience firsthand the value of our free enterprise system by operating their own businesses, financed by stockholders, and counseled by public-service-minded companies; and

WHEREAS, Each year in the State of California, 8,784 high school students have been given this business training in 472 Junior Achievement companies, in 15 communities throughout the state; and

WHEREAS, Through the Junior Achievement program of telling high school students—the voters, employers, and employees of the future—that success in any field results from strong preparation, good service, and business know-how, all members of the community benefit; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor of the State of California is requested to proclaim the week of January 26 through February 1, 1969, as Junior Achievement Week in the State of California, and encourage business and civic leaders, commerce, industry, and members of the professions to assist Junior Achievement in expanding its facilities to accommodate all students interested in participating in this "learn-by-doing" program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 18

Assembly Concurrent Resolution No. 10—Relative to commemorating the centennial of Japanese immigration to the United States.

[Filed with Secretary of State January 24, 1969.]

WHEREAS, The first group of Japanese immigrants arrived from Aizu Wakamatsu, Japan, aboard the sidewheeler "China" of The Pacific Mail Steamship Company and entered the United States on May 27, 1869, at San Francisco; and

WHEREAS, This valiant and brave band of colonists proceeded to Sacramento by riverboat, traveled overland by wagon to Placerville and Gold Hill, and established the Wakamatsu Tea and Silk Farm Colony of Gold Hill by clearing the land, building their homes, and cultivating plants and seeds, including 50,000 three-year-old mulberry trees for silk farming, which they had brought with them from their native land; and

WHEREAS, Although this pioneer project was doomed in less than two years by a combination of dry climate and a scarcity of irrigation water, it nevertheless heralded a period during which the Japanese people immigrated to California to participate in the beginnings of the Golden State's agricultural industry; and

WHEREAS, On December 16, 1966, the Historical Landmarks Advisory Committee of the Division of Beaches and Parks unanimously approved the Wakamatsu Tea and Silk Farm Colony of Gold Hill as a historical landmark and stated that "Although the Wakamatsu Tea and Silk Farm Colony was short-lived and suffered its tragic ending, it signaled the coming of Japanese pioneers to America and the beginning of their notable contribution to the agricultural industry of California. During the past three-quarters of the century, they have left their marks in the teeming valleys throughout the length and breadth of this great State. Many descendants are carrying on the work of their pioneer forebears with the same devotion, determination and skill which helped to make California the most productive farming state in the United States and the greatest agricultural region in the world . . ."; and

WHEREAS, Marking the first centennial of Japanese immigration to America, the year 1969 bears witness to a century in which Japanese-Americans have made immense contributions to the culture and heritage of their adopted land and have overcome times of trial by perseverance and boundless faith in the United States, which faith is best personified by the Japanese American Creed, which states:

"I am proud that I am an American citizen of Japanese ancestry, for my very background makes me appreciate more fully the wonderful advantages of this nation. I believe in her institutions, ideals, and traditions; I glory in her heritage; I boast of her history; I trust in her future. She has granted me liberties and opportunities such as no individual enjoys in the world today. She has given me an education befitting kings. She has entrusted me with the responsibilities of the franchise. She has permitted me to build a home, to earn a livelihood, to worship, think, speak, and act as I please—as a free man equal to every other man.

"Although some individuals may discriminate against me, I shall never become bitter or lose faith, for I know that such persons are not representative of the majority of the American people. True, I shall do all in my power to discourage such practices, but I shall do it in the American way: above-board, in the open, through courts of law, by education, by proving myself to be worthy of equal treatment and consideration. I am firm in my belief that American sportsmanship and attitude of fair play will judge citizenship and patriotism on the basis of action and achievement, and not on the basis of physical characteristics.

"Because I believe in America, and I trust she believes in me, and because I have received innumerable benefits from her, I pledge myself to do honor to her at all times and in all places; to support her constitution; to obey her laws; to respect her flag; to defend her against all enemies, foreign or domestic; to actively assume my duties and obligations as

a citizen, cheerfully and without any reservations whatsoever, in the hope that I may become a better American in a greater America.''; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature join in commemorating the centennial celebration of Japanese immigration to the United States and express the deep appreciation of all the citizens of California for the immense and invaluable contributions made by Japanese-Americans to the rich cultural heritage of this state and of America; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitable prepared copy of this resolution to the Japanese-American Citizens League.

RESOLUTION CHAPTER 19

Senate Concurrent Resolution No. 9—Relative to proclaiming February 9–15 as Electrical Week.

[Filed with Secretary of State January 24, 1969.]

WHEREAS, Electricity and the electrical industry contribute substantially to the social and economic strength and growth of California; and

WHEREAS, Through extensive research and continuing improvements the electrical industry helps lead the way to human betterment and the prosperity of California; and

WHEREAS, It is fitting that a period of time be set aside to direct attention to the importance of public services performed by electricity and to encourage safe and efficient use of electricity and electrical equipment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of February 9–15, 1969, as Electrical Week and urge all the citizens to participate in this significant occasion; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to Mr. William E. Goetze, President of the Electric and Gas Industries Association.

RESOLUTION CHAPTER 20

Senate Concurrent Resolution No. 11—Approving amendments to the Charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at an election held therein on the fifth day of November, 1968.

[Filed with Secretary of State January 24, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the County of Sacramento, State of California, as hereinafter set forth in the certificate of the chairman and clerk of the board of supervisors of the county, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

State of California }
County of Sacramento } ss.

We, Leslie E. Wood, Chairman of the Board of Supervisors of the County of Sacramento, State of California, and Earl D. Jack, Clerk of said Board of Supervisors, do hereby certify and declare as follows:

That the County of Sacramento at all times herein mentioned has been and now is a body politic of the State of California, and is now and has been since the 1st day of July, 1933, organized and acting under and by virtue of a Charter adopted under and by virtue of Section 7½ of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said County at an election held for that purpose on the 27th day of April, 1933, and subsequently approved by the Legislature of the State of California, and filed with the Secretary of State of the State of California, on the 11th day of May, 1933.

That the Board of Supervisors of said County, pursuant to the provisions of Section 7½ of Article XI of said Constitution, did by Resolution adopted the 11th day of September, 1968, duly propose to the qualified electors of said County of Sacramento amendments to the Charter of said County, designated as proposed County Charter Amendments B, C, D, E, F, G, H, and I and ordered that said proposed amendments be submitted to the said qualified electors of said County at a special election to be held on the 5th day of November, 1968.

That said amendments so proposed were published ten times on the following dates, to wit: September 18, 19, 20, 21, 22, 23, 24, 25, 27, and 28, 1968, in The Sacramento Union, a daily newspaper of general circulation in said County, printed, published and circulated in said County of Sacramento.

That said Board of Supervisors of said County did, by Ordinance designated as Ordinance No. 1007, which was duly adopted on the 11th day of September, 1968, order the holding of a special county election on the 5th day of November, 1968, which said Ordinance was published for five times in The Sacramento Union, a daily newspaper, printed, published and circulated in said County, on the following dates, to wit: September 16, 17, 18, 19 and 20, 1968.

That said special election was held in said County of Sacramento on the 5th day of November, 1968, which said day was

not less than thirty days nor more than sixty days after said proposed amendments to said County Charter had been published for ten times in The Sacramento Union.

That the Board of Supervisors of said County of Sacramento did, in the manner provided by law, duly and regularly canvass the returns of said election, and did duly declare the result of said special election, as determined from the canvass of the returns thereof.

That at said special election held on the 5th day of November, 1968, said proposed County Charter Amendments B, C, D, E, F, G, H, and I were ratified by a majority of the electors of said County voting thereon.

That the proposed Amendments were set forth in said Resolution and said Ordinance as follows:

Proposed Charter Amendment B

That the Charter of the County of Sacramento be amended by amending Section 63 to read as follows:

Section 63. In fixing compensation the Board of Supervisors shall at least annually, by ordinance, provide in each instance for the payment of not less than the prevailing rate for comparable service in other employment whenever such prevailing rate can be ascertained in the Sacramento area.

Proposed Charter Amendment C

That the Charter of the County of Sacramento be amended by amending Section 33 and adding Subdivision (*l*) to Subdivision (3) of Section 45-A as follows:

Amend Section 33 to read:

Section 33. Method of Suspension and Removal of Appointive Officers. Every appointive officer appointed by the Board of Supervisors may be suspended or removed by the Board of Supervisors. Every appointive officer appointed by the County Executive may be suspended or removed by him, except that any suspension or removal of such officer must first be confirmed by the Board of Supervisors. If the officer is a part of the classified service, the suspension or removal shall be in accordance with Section 45-A and the rules of the Civil Service Commission which are applicable to the classified service.

Add Subdivision (*l*) to Subdivision (3) of Section 45-A to read:

(*l*) All department heads appointed after the effective date of this Amendment. As used in this Charter, "department head" means all County officers and all other full-time officials personally responsible for directing all activities of a major organizational unit of County government which is recognized as a County department. The Board of Supervisors may by ordinance include any department head in the classified service.

Proposed Charter Amendment D

That the Charter of the County of Sacramento be amended by amending Subdivision (a) of Subdivision (3) of Section 45-A to read:

(a) All officers elected by the people, the County Executive, the Chief Deputy District Attorney, the Chief Deputy Auditor, the Undersheriff, the Assistant County Assessor and one assistant to each member of the Board of Supervisors.

Proposed Charter Amendment E

That the Charter of the County of Sacramento be amended by amending Subdivision (2) of Section 45-A to read:

(2) Each Commissioner shall receive such compensation as is fixed by ordinance adopted by the Board of Supervisors. The Commission shall appoint a Chief Examiner, and such other employees as it may deem necessary, subject to the approval of the County Executive. The Chief Examiner shall act as Secretary.

Proposed Charter Amendment F

That the Charter of the County of Sacramento be amended by amending Subdivision (c) of Subdivision (3) of Section 45-A to read:

(c) To provide a period of probation not to exceed twelve (12) months before appointment or promotion is made complete, during which period a probationer may be rejected. Probationary periods of more than six (6) months shall not be established unless the Commission finds that a longer probationary period is appropriate on the basis of the cycle of work performed or because the duration of required training is such that it is not possible to adequately evaluate employee performance within a six (6) month period.

Proposed Charter Amendment G

That the Charter of the County of Sacramento be amended by amending Section 61 to read:

Section 61. No person in the classified or unclassified service, or seeking admission thereto shall be appointed, reduced, removed, or in any way favored or discriminated against because of his race, color, creed, sex, national origin or political affiliation. The provisions of this section are not intended to prevent the establishment of special limited programs for the employment of economically, socially, physically or mentally deprived persons.

Proposed Charter Amendment H

That the Charter of the County of Sacramento be amended by adding thereto Section 15-A to read:

Section 15-A. When the County assumes and discharges by County officers and employees functions previously performed by private contractors or public utilities, the Board of Supervisors by ordinance, and notwithstanding any other provision of this Charter, may provide for the blanketing into County Civil Service without examination of any or all officers or employees who have been performing such functions for such private contractors or public utilities, and for the terms and conditions upon which such persons are to be employed.

Proposed Charter Amendment I

That the Charter of the County of Sacramento be amended by repealing the third paragraph of Subdivision (k) of Subdivision (3) of Section 45-A and repealing Section 84 as follows:

Repeal the third paragraph of Subdivision (k) of Subdivision (3) of Section 45-A.

Repeal Section 84.

That said Charter Amendments B, C, D, E, F, G, H, and I so ratified by the electors of said County of Sacramento, are now submitted to the Legislature of the State of California, for approval or rejection as a whole, without power of alteration or amendment, pursuant to the provisions of said Section 7½ of Article XI of the Constitution of the State of California, and are and shall, if so approved by said Legislature, be in the words and figures as set forth above.

That as to said Amendments to the Charter of the County of Sacramento, State of California, this Certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

We further certify that the foregoing proposed and ratified amendments to the Charter of said County of Sacramento, submitted to the electors of said County at the General State Election held on the 11th day of November, 1968, have been compared by us, and each of us, with the proposed amendments set forth in the said Resolution adopted by said Board of Supervisors as hereinbefore set forth, and that the foregoing is a full, true, and exact copy thereof, and we further certify that the facts set forth herein are true.

In witness whereof, we have hereunto set our hands and caused the same to be authenticated by the seal of said Board of Supervisors of the County of Sacramento, this 23rd day of December, 1968.

LESLIE E. WOOD
(SEAL) Chairman of the Board of Supervisors
of Sacramento County, California

Attest: EARL D. JACK
Clerk of the Board of
Supervisors of the County
of Sacramento, State of California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 7½ of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the County of Sacramento, as proposed to, and adopted and ratified by, the electors of the county, as hereinbefore fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the County of Sacramento.

RESOLUTION CHAPTER 21

Senate Concurrent Resolution No. 5—Approving a certain proposed new Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the fifth day of November, 1968.

[Filed with Secretary of State January 28, 1969.]

WHEREAS, Proceedings have been taken and had in accordance with all applicable law for the proposal, adoption and ratification of a certain new Charter of the City of Oakland, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California }
County of Alameda } ss.
City of Oakland }

We, the undersigned, John H. Reading, Mayor of the City of Oakland, State of California, and Gladys H. Murphy, City Clerk of said City, do hereby certify and declare as follows:

That the City of Oakland, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned was a city containing a population

of more than three thousand five hundred inhabitants, and has been ever since the first day of July, 1911, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at an election held for that purpose on the eighth day of December, 1910, and approved by the Legislature of the State of California, by Senate Concurrent Resolution filed with the Secretary of State on the fifteenth day of February, 1911 (Statutes of 1911, p. 1551).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Oakland, being the legislative body of said City, caused to be framed a proposed new Charter of the City of Oakland, and on its own motion by its Resolution No. 49606 C.M.S. passed August 29, 1968, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal designated as Proposition (J) for adoption of the proposed new Charter of said City together with three certain alternative proposals designed as Propositions (K), (L) and (M), to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 5th day of November, 1968. That said special election was duly and regularly called, authorized and provided for by said Council of said City of Oakland by said aforementioned Resolution No. 49606 C.M.S., and that by said Resolution said Council consolidated said special municipal election with the General Election held in said City on the 5th day of November, 1968.

That said consolidated special municipal election was duly and regularly held in said City as required by law and in accordance with Section 8 of Article XI of the Constitution of the State of California and the Charter of the City of Oakland, and after due notice given and published, with the said General Election on the 5th day of November, 1968, which said day was not less than forty nor more than sixty days after the completion of the publication of the aforementioned proposed new Charter and alternative propositions in the "Oakland Tribune," the official newspaper of said City.

That such proposed new Charter and alternative propositions were published on the 26th day of September, 1968 in the "Oakland Tribune," a daily newspaper of general circulation published in said City of Oakland and the official newspaper of said City, and in each edition thereof, during the day of publication.

That copies of said proposed new Charter and alternative propositions were printed in convenient pamphlet form, and in type of not less than 10-point, and a copy thereof was mailed to each of the qualified electors in said City, and an advertisement that copies thereof could be had upon applica-

tion therefor at the office of the City Clerk of the City of Oakland was published in said "Oakland Tribune," a newspaper of general circulation published in said City, on the 26th day of September, 1968, and on each day thereafter to and including the 5th day of November, 1968, the date of said election.

That the Council of said City framed synopses of said proposed new Charter and Alternative propositions and, on October 14 and 21, 1968 caused a notice containing said synopses to be published in the "Oakland Tribune," a newspaper of general circulation published and circulated daily in the City.

That the Council of said City provided for the formulation and printing of statements not exceeding five hundred words in length, descriptive of and explaining the nature or purpose of said proposed new Charter of said City and said alternative propositions, and provided for the submission, selection and printing of arguments for and against each of said Propositions; that a copy of each of said printed statements and arguments was mailed and distributed by the City Clerk of said City of Oakland to each voter of the City of Oakland, in connection with the sample ballots and the aforementioned printed copies of said proposed new Charter and alternative propositions.

That as to each of the said proposed new Charter of the City of Oakland hereinafter set forth, and said alternative propositions, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that Section 8 of Article XI of the Constitution of the State of California, the Charter of the City of Oakland, and all other provisions of law applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of law applicable thereto, and with the authorization and direction of the Board of Supervisors of the County of Alameda, State of California, set forth in its Resolution No. 126783, the Clerk of the County of Alameda, State of California, did duly and regularly canvass the votes cast at said consolidated election, and at said special municipal election, and did determine the result of said special municipal election to be that a majority of the qualified electors of said City voting on the proposed new Charter hereinafter set forth and designated as Proposition (J) had voted for and adopted said Proposition (J), and that a majority of the qualified electors of said City voting on Propositions (K), (L) and (M), had voted against and defeated said propositions and each of them.

That the proposed new Charter of the City of Oakland, which was so ratified by a majority of the electors of said City, is in words and figures as follows:

PROPOSED REVISED CHARTER OF THE CITY OF OAKLAND

We, the people of the City of Oakland, the State of California, do ordain and establish this Charter as the fundamental law of the City, under the Constitution of the State of California.

Article I

Powers and Form of Government

Section 100. Name. The municipal corporation now existing and known as the City of Oakland shall remain and continue a body politic and corporate in name and fact by the name of the City of Oakland, and by such name shall have perpetual succession

Section 101. Boundaries. The boundaries of the City of Oakland, as they exist on the effective date of this Charter, shall continue until changed in the manner authorized by law.

Section 102. Rights in Succession. The City of Oakland, hereinafter termed the City, shall have, exercise, and enjoy all the rights, immunities, powers, benefits, privileges and franchises now possessed, enjoyed, owned or held by it.

Section 103. Continuance of Laws. All lawful ordinances, resolutions, rules and regulations or portions thereof now in force and not in conflict or inconsistent herewith are continued in force until they have been duly repealed or amended.

Section 104. Continuance of Officers and Employees. All officers and employees of the City now serving shall continue in their offices or employments until removed or replaced in the manner prescribed by the authority of this Charter.

Section 105. Transfer of Records and Property. The transfer of any function from one department to another by this Charter or by any lawful ordinance or administrative authority also authorizes the corresponding transfer of all records, property, and equipment necessary to such function.

Section 106. General Powers. The City shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter; provided, that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise, any and all the rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the State including those specifically applicable to general law cities; provided, also, that where the general laws of the State provide a procedure for the carrying out and the enforcement of any rights or powers belonging to the City, said procedure shall control and be followed unless a different procedure shall have been provided in the Charter or by ordinance.

It is the intention of the people in adopting this section to take advantage of the provisions of Section 6 of Article XI of

the Constitution of the State of California giving cities Home Rule as to municipal affairs.

Section 107. Form of Government. The government provided by this Charter shall be known as the Council-Manager form of government.

Article II

The Council and Mayor

Section 200. Composition of the Council. The Council shall consist of eight Councilmen, nominated and elected as hereinafter provided, and the Mayor.

Section 201. Qualifications. No person shall be eligible for or continue to hold the office of Councilman or Mayor, either by election or appointment, unless he is a citizen of the United States, a qualified elector, a resident for at least four years of the City or of a territory lawfully annexed or consolidated, and a resident of the district from which he may be a candidate for at least one year immediately next preceding his nomination or appointment.

Section 202. Compensation. The members of the Council, other than the Mayor, shall each receive the compensation heretofore provided by Charter, until changed by Charter amendment or by ordinance; provided that any such compensation fixed by ordinance shall not exceed the amount which the city council of a general law city having no greater population than the City can prescribe under the provisions of state law as compensation for its councilmen.

Section 203. Nomination and Election of Councilmen. Seven Councilmen shall be nominated from districts and one shall be nominated at large, and all shall be elected by the qualified electors of the City at large. The districts shall be as they exist upon the taking effect of this section, until revised by ordinance. In the year 1972 and every six years thereafter, and whenever any substantial territory is annexed to or consolidated with the City, the Council shall form new districts, not exceeding seven. Districts shall be composed of contiguous territory, as equal as possible in registered voters, and as geographically compact as practicable. No change in the boundary of a district shall operate to exclude an incumbent from office before the expiration of the term for which he was elected or appointed.

Section 204. Term of Office, Council. The Councilmen and the Mayor shall be elected to a term of four years beginning at 11:00 a.m. on the first day of July following their election. The Councilmen and the Mayor serving at the adoption of this section shall continue to serve the terms to which they were elected or appointed.

Section 205. Vacancies: Filling Of. Any vacancy occurring in the office of Councilman or Mayor shall be filled by appointment by the majority vote of the remaining members of the Council; provided, that if two or less members remain,

the appointment of members of the Council shall be made by the majority vote of a body consisting of the remaining members and the members of the Alameda County Board of Supervisors representing districts including a part of the City. In the event such body is unable to or fails within a period of five days to take such action, appointment shall be made by the Governor of California. An appointee to the office of Councilman or Mayor for the balance of an unexpired term shall hold office until the next General Municipal Election.

Section 206. Vacancy; What Constitutes. An office of Councilman or Mayor shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after his term is to begin, dies, resigns, ceases to be a resident of the City or of the district from which he was nominated, absents himself continuously from the City for a period of more than thirty days without permission from the Council, absents himself from any ten consecutive regular meetings except on account of his own illness or when absent from the City by permission of the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of his office, forfeits his office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least six members of the the Council after considering competent medical evidence bearing on the physical or mental capability of the Councilman or Mayor.

Section 207. Powers of the Council. The Council shall be the governing body of the City. It shall exercise the corporate powers of the City and, subject to the expressed limitations of this Charter, it shall be vested with all powers of legislation in municipal affairs adequate to provide a complete system of local government consistent with the Constitution of the State of California. It shall have no administrative powers. The Council shall fix the compensation of all City employees, officers and officials except as otherwise provided by this Charter.

Section 208. Meetings of the Council. At 11:00 a.m. on the first day of July following each General Municipal Election, the Council shall meet at the established Council meeting place, at which time and place the newly elected members of the Council shall assume the duties of their office; and at such meeting, and at the first meeting in July of even-numbered years, the Council shall elect a Vice-Mayor from among its members to serve for a one year term. Thereafter the Council shall meet regularly at the time and place fixed by resolution. Special meetings may be held at the regular place of meeting and shall be called, and notice thereof given, by the City Clerk upon the written request of the Mayor, the City Manager or three members of the Council and such notice shall state the special subject to be considered at the special meeting; and no

other subject shall be there considered. Regular or special meetings may be held at places other than the regular meeting place only in an emergency in which the regular meeting place is untenantable, or for some purpose of public convenience, upon the posting of a public notice at the regular meeting place that the Council is meeting elsewhere, to be designated on the notice.

Section 209. Quorum. Five members of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

Section 210. Council Action. The Council shall provide by resolution for the order of business and the rules of procedure for the conduct of Council meetings. The Council shall act by ordinance or resolution or motion. The "ayes" and "noes" shall be taken on the passage of all ordinances and resolutions and entered upon the journal of the Council's proceedings. Each proposed ordinance or resolution shall be introduced in written or printed form. The affirmative vote of five members of the Council shall be required to adopt any ordinance or resolution, except as otherwise provided by this Charter or by general law.

Section 211. Enactment of Ordinances. In addition to such other action of the Council as is required by statute or by this Charter to be by ordinance, every act of the Council establishing a penalty or granting a franchise shall be by ordinance. The enacting clause of all ordinances shall be: "The Council of the City of Oakland does ordain as follows:".

Section 212. Adoption and Amendment of Ordinances. Except for emergency ordinances, no ordinance shall be adopted by the Council on the day of its introduction, nor within five days thereafter, nor except at a regular or adjourned regular or special meeting. If an ordinance is altered after its introduction (except for the correction of typographical or clerical errors), it shall not be adopted except at a regular or adjourned regular or special meeting held not less than five days after the date of such alteration. Any section or subsection of an ordinance may be amended solely by the reenactment of such section or subsection at length as amended.

Section 213. Emergency Ordinances. Any ordinance declared by the Council to be necessary for preserving the public peace, health, or safety in an emergency, and containing a statement of the reasons constituting such necessity, may be introduced and adopted at the same meeting if passed by the affirmative vote of at least six members. Appropriations to meet an urgent need for public expenditure to protect the public health, safety, or welfare may be made as an emergency ordinance.

Section 214. Publication. Before final adoption of an ordinance, its title, a digest thereof, a notice showing the vote on its introduction and the date, time, and place of hearing on

its final adoption, and notice that three full copies thereof are available for use and examination by the public in the office of the City Clerk, shall be published once in the official newspaper of the City at least three days before said hearing date. Notice of the adoption of an emergency ordinance, the vote thereon, its title, and a digest thereof shall be similarly published once within three days after its adoption. The notices and digests shall be prepared by the City Attorney.

Section 215. Codification. The duly adopted and effective ordinances of the City may be compiled and arranged as comprehensive codes, which may be adopted by reference by the passage of an ordinance for such purpose.

Section 216. Effective Date of Ordinance. An ordinance receiving upon final adoption the affirmative vote of at least six members of the Council shall be effective immediately, unless a later date is specified therein. All other ordinances, unless a different date is required by this Charter, shall be effective upon the seventh day after final adoption; provided, that within three days after said date of final adoption, the Mayor may file in the office of the City Clerk written notice to the Council that he has suspended the taking effect of the ordinance, stating in said notice the reason or reasons for his action, which notice the City Clerk shall forthwith deliver to the members of the Council. Such notification shall automatically cause the reconsideration of the ordinance by the Council at its regular meeting next following the sixth day after the aforesaid final adoption of the ordinance. If, upon reconsideration, the ordinance is again approved by the affirmative vote of at least five members of the Council it shall take effect immediately, and if not so approved, it shall be ineffective.

Section 217. Penalty for Violation of Ordinances. The Council may make the violation of its ordinances a misdemeanor, which may be prosecuted in the name of the People of the State of California or may be redressed by civil action, and may prescribe punishment for such violations by a fine not to exceed $1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

Section 218. The Mayor. The Mayor shall be nominated and elected from the City at large and shall receive an annual salary of $7,500.00, payable in equal monthly installments, and without any additional compensation or fees provided for by Section 202 of this Charter.

Section 219. Duties of the Mayor. The Mayor shall be the chief elective officer of the City, responsible for providing leadership and taking issues to the people and marshalling public interest in and support for municipal activity. He shall recommend to the Council such legislation as he deems necessary and shall encourage programs for the physical, economic, social and cultural development of the City. He shall preside over meetings of the Council, shall be the ceremonial head of the City, and shall represent the City in in-

ter-governmental relations as directed by the Council. The Mayor shall have no administrative authority, it being the intent of this Charter that the Mayor shall provide community leadership, while administrative responsibilities are assigned to the City Manager.

Section 220. Duties of Vice-Mayor. In the absence or temporary disability of the Mayor, the Vice-Mayor shall perform the duties of the office.

Section 221. Non-Interference. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service for which the City Manager and other appointed or elected officers are responsible, solely through the City Manager or such other officers, and neither the Council nor any member shall give orders to any subordinate of the City under the jurisdiction of the City Manager or such other officers, either publicly or privately; nor shall they attempt to coerce or influence the City Manager or such other officers, in respect to any contract, purchase of any supplies or any other administrative action; nor in any manner direct or request the appointment of any person to or his removal from office by the City Manager, or any of his subordinates, or such other officers, nor in any manner take part in the appointment or removal of officers or employees in the administrative service of the City. Violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the convicted member.

Section 222. Ordinance, When Required. In addition to other actions required by law or by specific provision of this Charter to be done by ordinance, those actions of the Council shall be by ordinance which:

1) Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency as authorized in Article V of this Charter.

2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.

3) Levy taxes except as otherwise provided in this Charter with respect to the property tax levied by adoption of the budget.

4) Regulate the rates charged for its services by a public utility.

5) Authorize the borrowing of money except as otherwise provided in Section 712 of this Charter.

6) Convey or lease, or authorize the conveyance or lease for longer than one year, of any real property of the City, or any interest therein, or the acquisition of real property, the purchase price of which is more than Five Thousand Dollars ($5,000.00).

7) Amend or repeal any ordinance previously adopted.

Provided, acts other than those referred to hereinabove under this section, or other than may be specifically otherwise provided for in other sections of this Charter, may be done either by ordinance or by resolution.

Article III

City Officers

Section 300. Designation as Officer. In addition to the Councilmen and the Mayor, the officers of the City shall be the City Manager, the City Attorney, the City Clerk, the City Auditor, and such department heads, members of boards or commissions and executive officers of such boards and commissions as may be so designated by ordinance. The City Manager and the City Attorney may be hired by contract, for a term not to exceed seven years, notwithstanding the appointive and removal authority otherwise provided herein for the Council.

Section 301. City Attorney. The City Attorney shall be appointed by the Council, which may at its pleasure remove him from office or reduce his salary in the same manner and subject to the same conditions as are prescribed for such actions affecting the City Manager. The City Attorney shall advise all officers, boards, commissions, and other agencies of the City on legal matters referred to him and shall render written legal opinions when the same are requested in writing by a member of the Council or the City Manager or any other officer, board or commission of the City. He shall draft such ordinances, resolutions, contracts and other legal documents as directed by the Council or requested by the City Manager or any official board or commission of the City. He shall act as counsel in behalf of the City or any of its officers, boards, commissions, or other agencies in litigation involving any of them in their official capacity. He shall pass on the form and legality of all contracts of the City before the same are executed. He shall not settle or dismiss any litigation brought for the City nor settle any litigation brought against the City which may be under his control unless upon his written recommendation he is authorized to do so by the Council. He shall administer the office of City Attorney, and shall have the power to appoint, discipline and remove all officers and employees of his office subject to the provisions of Article VIII of this Charter. The Council may empower the City Attorney, at his request and without regard to the provisions of Article VIII, to employ special legal counsel, and he shall have the power to employ appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter. Upon the City Attorney's recommendation and the approval of the Council, when he has a conflict of interest in litigation involving another officer of the City in his official capacity, such other officer may retain special legal counsel at City expense.

Section 302. City Clerk. The City Clerk shall be appointed or discharged by the City Manager subject to confirmation by the Council. He shall be the Clerk of the Council and keep an accurate public record of all ordinances, resolutions and motions, shall have custody of the official seal and all official records committed to his care, make affidavits and administer oaths without charge in matters affecting the business of the City, conduct elections, and perform the other duties of a City Clerk under general law where not inconsistent with this Charter or the ordinances of the City.

Section 303. City Auditor. The City Auditor shall be nominated and elected in the same manner, for the same term, and at the same election, as the Mayor. The Auditor-Controller serving at the adoption of this Section shall continue to serve the term to which he was elected. To be eligible to the office a person must be a citizen of the United States, a qualified elector of the State of California, and shall have been a resident of the City for four years next preceding his nomination. The salary of the office shall be set by the Council and may not be reduced during the City Auditor's term of office, except as a part of a general reduction of salaries for all officers and employees in the same amount or proportion. The City Auditor shall have the power and it shall be his duty to audit the books, accounts, money and securities of all departments and agencies of the City and such other matters as the Council may request; to report to the Council periodically the results of such audits and to advise and make recommendations to the City Manager regarding accounting forms design, fiscal and statistical reports and the methods or procedures for maintaining the accounts and accounting system throughout all departments, offices and agencies of the City. The City Auditor shall report to the Council instances of noncompliance with accepted accounting principles where recommendations for compliance have not been implemented by the City Manager after reasonable time and opportunity. He shall be represented in all legal matters by the City Attorney except as provided otherwise in Section 301.

Section 304. Board of Education. The Board of Education shall consist of seven School Directors elected from the City at large for a term of four years. School Directors shall be elected at the times and in the manner in this Charter provided for members of the Council and shall be required to have the same qualifications. The terms of School Directors holding office when this Section becomes effective shall not be affected. At each Municipal Election following the effective date of this Section, either three or four School Directors of said Board, as the case may be, shall be elected to fill the vacancies caused by the expiration of such terms.

Candidates for School Director shall be designated on all official election ballots as candidates for School Director No. 1, or No. 2, or No. 3, or No. 4, or No. 5, or No. 6, or No. 7

(said numbers to be printed after the designating title "School Director," there being as many numbers from 1 up as there are School Directors to be elected) in accordance with the declarations of candidacy which said candidates shall have filed with the City Clerk. Such numerical designation on the ballot shall have no significance whatever after election and qualification of such School Director, but shall fix the status of each such numerically designated office as a separate office for the purpose of nomination and election thereto.

The provisions of the Education Code of the State of California shall apply as to matters not provided for in this Charter.

Section 305. Officers Prohibited Political Activity. The City Manager and the City Attorney shall not participate in municipal political activities or elections for municipal office, nor in any other political activities which are prohibited for city employees by state law.

Article IV

The City Manager

Section 400. Appointment. The Council shall appoint a City Manager who shall be the chief executive officer of the City. He shall be a person of demonstrated administrative ability with experience in a responsible, important executive capacity and shall be chosen by the Council solely on the basis of his executive and administrative qualifications. No member of the Council shall, during the term for which he is elected or appointed, or for one year thereafter, be chosen as City Manager.

Section 401. Compensation and Tenure. The City Manager shall receive the salary fixed by the Council. He shall be appointed for an indefinite term and shall be removable only upon the adoption of an ordinance by the affirmative vote of at least five members of the Council. He shall, upon demand, be given a written statement of the reasons for his proposed removal and the right to be heard publicly at a meeting of the Council prior to the final vote on the ordinance for his removal, but pending such hearing and action the Council may suspend him from office. The Council may not reduce the salary of the City Manager except upon the adoption of an ordinance and like opportunity to be heard. The action of the Council in suspending or removing the City Manager or reducing his salary shall be final.

Section 402. Acting City Manager. The City Manager shall designate two or more of his assistants or department heads, in the sequence in which they are to serve, as Acting City Manager to serve as City Manager in the temporary absence or disability of the City Manager.

Section 403. Powers of Appointment and Removal. The City Manager shall be responsible to the Council for the

proper and efficient administration of all affairs of the City under his jurisdiction, and shall, subject to the provisions of Article VIII of this Charter and except as otherwise provided in this Charter, have the power to appoint, assign, re-assign, discipline and remove all directors or heads of departments and all employees under his jurisdiction. He may delegate to directors or other department heads responsible to him the authority to appoint, discipline and remove subordinate employees, subject to the provisions of Article VIII of this Charter.

Section 404. Duties. The City Manager shall have the power and it shall be his duty:

a. To execute and enforce all laws and ordinances and policies of the Council and to administer the affairs of the City.

b. To attend all meetings of the Council, and its committees, unless excused, and such meetings of boards and commissions as he chooses or which he is directed to attend by the Council, and to participate in discussions at such meetings.

c. To recommend to the Council such measures and ordinances as he may deem necessary or expedient and to make such other recommendations to the Council concerning the affairs of the City as he finds desirable.

d. To investigate affairs of the City under his supervision, or any franchise or contract for the proper performance of any obligation running to the City within his jurisdiction.

e. To control and administer the financial affairs of the City. He may appoint a Director of Finance to act under his direction.

f. To prepare and submit an annual budget to the Council.

g. To prepare or cause to be prepared the plans, specifications, and contracts for work which the Council may order.

h. To supervise the purchasing of materials and supplies and to make recommendations to the Council in connection with the awarding of public contracts and to see that all City contracts under his direction or that of the Council are faithfully performed.

i. To prepare and submit to the Council such reports as it may require.

j. To keep the Council at all times fully advised as to the financial condition and needs of the City.

k. To prescribe such general rules and regulations as he may deem necessary or expedient to the general conduct of the administrative departments under his jurisdiction.

l. When directed by the Council, to represent the City in its intergovernmental relations and to negotiate contracts for joint governmental actions, subject to Council approval.

m. To devote his entire time to the duties and interests of the City.

n. To perform such other duties as may be prescribed by this Charter or by ordinance or resolution.

Article V

Administrative Organization

Section 500. Administrative Organization Authorized. The Council shall by ordinance provide the form of organization through which the functions of the City under the jurisdiction of the City Manager are to be administered. Any combination of authorized duties, powers and functions which in the judgment of the Council will provide the most efficient and economical service possible, consistent with the public interest and in keeping with accepted principles of municipal administration, may be authorized by such ordinance. All departments or other administrative agencies so created shall be administered by the City Manager or by a department head or other officer appointed by and responsible to him.

Section 501. Boards and Commissions. The Council may create by ordinance such operational, advisory, appellate or rule-making boards and commissions as may be required for the proper operation of any function or agency of the City and prescribe their function, duties, powers, jurisdiction and the number of board and commission members, their terms, compensation and reimbursement for expenses, if any, subject to the provisions of this Article. Members of boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council and may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council. Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made.

Section 502. Continuation. The departments, agencies, boards and commissions heretofore created by prior Charter, ordinance or administrative order, other than those provided for in Articles III, IV, VI, and VIII of this Charter, may be modified or discontinued by ordinance adopted pursuant to this Article and are hereby continued until so modified or discontinued.

Article VI

Port of Oakland

Section 600. Establishment of a Port Department. To promote and more definitely insure the comprehensive and adequate development of the Port of Oakland through continuity of control, management and operation, there is hereby established a department of the City of Oakland known as the "Port Department".

Section 601. Board of Port Commissioners. The exclusive control and management of the Port Department is hereby vested in the Board of Port Commissioners, which shall be composed of seven (7) members who shall be appointed by the Council, upon nomination by the Mayor.

No person shall be appointed as, or continue to hold office as, a member of the Board who is not at the time of his appointment, and has not been continuously for four (4) years immediately preceding his appointment, and who shall not continue to be during his term, a bona fide resident of the City of Oakland.

The members of the Board shall serve without salary or compensation.

Section 602. Organization, Terms of Office. The Board of Port Commissioners shall consist of seven (7) members nominated by the Mayor and appointed by the Council for a term of four (4) years. Members in office at the time this section takes effect shall continue in office until their successors are appointed and qualified. For terms commencing July 10, 1969, two (2) members shall be appointed to fill the positions expiring upon that date, and two (2) additional members shall be appointed to bring the membership of said Board to seven (7); provided, that the terms of such two additional members shall be for such original duration, in no event to exceed four years, as will insofar as practicable permit appointment at the end of subsequent terms of office of members, of either one or two members.

Section 603. Removal. Any member of the Board may be removed from office by the affirmative vote of six (6) members of the Council in the same manner and subject to the same conditions as the Council may remove the members of any of the Boards provided for in this Charter in Article V.

Section 604. Ordinances and Resolutions. All action taken by the Board of Port Commissioners shall be by resolution, except as hereinafter set forth in this Article. Any member of the Board may require a record of the vote on any resolution to be made in its minutes. The Board shall keep a minute book wherein shall be recorded the proceedings taken at its meetings and it shall keep a record and index of all of its resolutions and ordinances.

No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four (4) members of the Board.

To constitute an ordinance a bill must, before final action thereon, be passed to print and published with the ayes and noes at least once in the official newspaper of the City. Between the first and final readings at least five (5) days shall elapse. The enacting clause of all ordinances passed by the Board shall be substantially in these words:

Be it ordained by the Board of Port Commissioners of the City of Oakland as follows:

All ordinances shall be signed by the President or Vice-President of the Board and attested by the Secretary.

A certified copy of each ordinance adopted by the Board shall be forthwith filed with the City Clerk, and the City Clerk shall keep a record and index thereof which shall at all times be open to public inspection.

Section 605. Ordinances Required in Certain Cases. All proceedings for the acquisition of real property by purchase, condemnation, or otherwise, or the granting of any lease longer than one (1) year, the fixing, regulating, and altering schedules of rates, dockage, wharfage, tolls, and charges for all public-owned docks, piers, wharves, slips and other facilities, and for services rendered by the Port Department, and the adoption of all general rules and regulations of the Board, excepting administrative regulations of a temporary nature, shall be taken by ordinance.

Section 606. Powers and Duties of the Board. The Board of Port Commissioners shall have the complete and exclusive power, and it shall be its duty for and on behalf of the City:

(1) To sue and defend in the name of the City in all actions and proceedings wherein there is involved any matters within the jurisdiction of the Board.

(2) To make provision for the needs of commerce, shipping, and navigation of the port, to promote, develop, construct, reconstruct, alter, repair, maintain, equip and operate all water front properties including piers, wharves, sea walls, docks, basins, channels, slips, landings, warehouses, floating and other plants or works, dredge, and reclaim land, construct, equip and operate terminal trackage with sidings and turnouts and railroad connections between docks, piers and other port structures, and connect the same with main-line tracks, and to establish, equip and operate all other facilities or aids incident to the development, protection and operation of the port, as may be deemed proper and desirable in its judgment, and it may modify its plans from time to time as the requirements of commerce, shipping and navigation may demand, and as part of such development and operation to provide for tugs, dredges, fireboats, barges, cold storage plants, and all other publicly owned facilities or appliances incident to the operation of the port, of such number and character, and in such places as the Board may deem feasible and proper.

(3) To take charge of, control, and supervise the Port of Oakland, including all the water front properties, and lands adjacent thereto, or under water, structures thereon, and approaches thereto, storage facilities, and other utilities, and all rights and interests belonging thereto, which are now or may hereafter be owned or possessed by the City, including all salt or marsh or tide lands and structures thereon granted to the City in trust by the State of California for the promotion and accommodation of commerce and navigation.

(4) To have control and jurisdiction of that part of the City hereinafter defined as the "Port Area" and enforce therein general rules and regulations, to the extent that may be necessary or requisite for port purposes and harbor development, and in carrying out the powers elsewhere vested in the Board.

Provided, however, that with the approval of the Council the Board may relinquish to the Council control of portions of the said area, and likewise, upon request of the Board, the Council may, by ordinance, enlarge the Port Area.

(5) To require owners of water terminal properties and facilities within the port to keep the same in proper condition and repair and to maintain them with especial reference to the reduction of fire hazard or nuisances, and it shall have the right to inspect such terminal facilities at reasonable times.

(6) To exercise all the powers pertaining to the water front, wharves, dredging machines, or the port and its operation and maintenance, which have been heretofore conferred upon the City and the Council by Section 106 of this Charter.

(7) To regulate the berthing, anchoring, towing, loading, unloading and mooring of vessels within the port.

(8) To handle, store and recondition all commodities; to sell or otherwise dispose of personal property within its possession or ownership, and, generally, to perform all services customary, necessary or expedient in connection with the development and operation of the port.

(9) To issue receipts, negotiable or otherwise, for property or merchandise in its charge or possession.

(10) To fix all rates, dockage, rentals, tolls, wharfage, and charges, for the use and occupation of the public facilities or appliances of the port, and for services rendered by the Port Department, and to provide for the collection thereof.

(11) To use, for loading and unloading cargo, with the right to collect tolls, dockage and other terminal charges thereon, such portions of the streets of the City ending or fronting upon the water areas of the harbor of said City, as may be used for said purposes.

(12) To build piers, wharves, docks, bulkheads, slips or other structures, across and upon such streets, provided only that access be provided to the public at the shoreward end thereof.

(13) To lend its aid to secure the improvement of navigable tidal waters within or adjacent to the port, where, in its opinion, such improvements are economically justifiable, and in the general carrying out of its powers to cooperate with neighboring cities, other ports, the State of California, or the United States Government, and appear before state, federal and other public legislative and administrative authorities.

(14) To manage the business of the port and promote the maritime and commercial interests by proper advertisement of its advantages, and by the solicitation of business, within or without the port, within other states or in foreign countries, through such employees and agencies as it may deem expedient.

(15) To acquire in the name of the City by purchase, condemnation, gift, lease, or otherwise take over and hold all

lands, property, property rights, leases, or easements, and personal property of every kind, necessary or convenient for the development and operation of the port, or for the carrying out of the powers herein granted to the Board.

Whenever the Board determines that any lands owned by the City within its jurisdiction have become unnecessary for port purposes or harbor development, it may in its discretion transfer such lands to the control of the Council, free from all restrictions, or it may sell or exchange such lands, by ordinance subject to the referendum provisions of this Charter.

(16) To purchase materials and supplies.

(17) To enter into contracts, agreements, or stipulations (other than leases) germane to the scope of its powers and duties.

(18) To let all work by contract, or order it done by day labor, as the Board may determine.

(19) To have and exercise the right of eminent domain within the "Port Area" on behalf of and in the name of the City for port purposes, harbor development or the carrying out of any of the powers granted to said Board, and to exclusively find and determine by ordinance adopted by a two-thirds vote of all of its members the public interest and necessity thereof.

(20) To appoint a Port Attorney, whose duty it shall be to pass upon the form and legality of all contracts within the jurisdiction of the Board, give legal advice to the Board on official matters, defend and (subject to direction from the Board) prosecute or compromise all actions at law or in equity and special proceedings for or against the City or any officers thereof in his official capacity, pertaining to matters within the jurisdiction of the Board. The Board shall fix and provide for his compensation.

(21) To employ and appoint an Executive Director, and such other officers, employees and agents as may be necessary in the efficient and economical carrying out of its functions and to prescribe and fix their duties, authority and compensation, and to require such officers, employees and agents to give a bond in such an amount as the Board may require for the faithful discharge of their duties. All offices and places of employment in the permanent service of the Board shall be created by ordinance duly passed.

(22) To provide and equip offices.

(23) To expend all funds necessary to the carrying out of the powers and duties herein expressed.

(24) To adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities.

(25) To prescribe fines, forfeitures and penalties for the violation of any provision of this Article, or of any ordinance,

but no penalty shall exceed Five Hundred Dollars ($500.00) or six (6) months imprisonment, or both.

(26) To have and exercise on behalf of the City all the rights, powers and duties in respect to the subject matters herein provided for, that are now or which may hereafter be vested in the City, or any of its departments or officers, or which may be provided for by general law.

(27) To do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Article, and to exercise all powers not in conflict with the Constitution of the State, or with this Charter, germane to the scope of its powers, purposes and duties.

Section 607. Operation of Facilities. Notwithstanding any other provision of this Charter to the contrary, the Board shall not be required to directly operate all of the properties, facilities and utilities under its control or jurisdiction, and shall have the power to authorize the operation of any of such properties, facilities and utilities by a private person, firm, association or corporation, whether by lease, franchise, license, assignment, permit or otherwise, upon such terms and conditions as the Board shall prescribe, which terms and conditions shall include control over the rates, charges and practices of said private party to the extent permitted by law.

Section 608. Building Permits. No person or persons shall construct, extend, alter, improve, erect, remodel or repair any pier, slip, basin, wharf, dock or other harbor structure, or any building or structure within the "Port Area" without first applying for and securing from the Board a permit so to do, in accordance with the rules and regulations adopted by it. In approving or denying the right to said permit, the Board shall consider the application therefor, the character, nature and size and location of the proposed improvement, and exercise a reasonable and sound discretion in the premises.

Provided, however, that applications for building permits pertaining to privately owned property within the "Port Area" shall be made to the Executive Director who shall consider and act upon them in the same manner as applications for such permits made to the Board. Any person excepting to any denial, suspension or revocation of a permit applied for or held by him pursuant to the provisions of this section, or any person excepting to the granting of, or to the refusal to suspend or revoke a permit applied for or held under the provisions of this section, may appeal to the Board by filing with the Secretary a written notice of such appeal setting forth the specific grounds thereof. Such notice must be filed within fourteen (14) days after notice of such denial, suspension, revocation or granting, or refusal to suspend, revoke or grant, such permit, constituting the basis of such appeal, but in no event later than thirty (30) days after

the date of the denial, suspension, revocation or granting of the permit. The Secretary shall forthwith set said matter for hearing before the Board and cause notice thereof to be given (1) to the appellant, and (2) to the adverse party or parties, or to the attorney, spokesman or representative thereof, not less than five (5) days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified in the notice of appeal, why the action excepted to should not be approved. The Board may continue such hearing from time to time, and its findings and conclusions on the appeal shall be final and conclusive in the matter.

Such permit issued by the Board or the Executive Director shall be in addition to any permit which may be required by law from the Building Inspector of the City.

Section 609. Leases. The Board shall have the power to make and enter into any lease of any properties belonging to or possessed by the City under its jurisdiction for a term of not to exceed sixty-six (66) years, provided that all leases made shall be subject to referendum.

Section 610. Contracts. All contracts shall be made and entered into in accordance with the conditions and procedures established by the Board, but subject to bid limit established by the Council pursuant to the provisions of Sections 707 and 708 of this Charter. All powers and duties therein conferred or imposed upon the Council or the City Attorney are, in relation to all matters connected with the Port, hereby conferred and imposed respectively upon the Board and its attorney. Plans and specifications at the time of publication of notice inviting such bidding must be on file in the office of the Board, subject to public inspection.

Section 611. Supervision of Leases, etc. The Board shall take over and control, and shall have the power to grant, all leases, concessions, easements, privileges, spur tracks and other permits, wharfing-out rights, and waterfront or other franchises relating to the harbor or port and located within the "Port Area" and receive the income therefrom, but this shall not include franchises for the construction and maintenance of railroads, power lines, gas mains and other utilities of a general nature which may extend through other portions of the City into the Port Area and which are within the jurisdiction of the Council pursuant to the provisions of Article IX of this Charter, and subject to the supervision of the City Manager.

It shall be the duty of the Board to see that all provisions of such leases, concessions, easements, privileges, permits, rights or franchises within its jurisdiction are faithfully observed, and it may cause to be instituted such actions or proceedings in the name of the City as may be necessary to enforce the provisions thereof, or to revoke, cancel, or annul them when they have become forfeitable in whole or in part, or are illegal, or void or voidable.

Section 612. Restrictions of Powers of Council. No franchise shall be granted, no property shall be acquired or sold, no street shall be opened, altered, closed or abandoned, and no sewer, street, or other public improvement shall be located or constructed in the "Port Area" by the City of Oakland, or the Council thereof, without the approval of the Board.

Section 613. Public Streets. Whenever the Board shall determine that it is necessary to open, close, improve, alter or vacate a public street or part of a public street within the "Port Area", a certified copy of the resolution so determining such necessity shall be filed by the Board in the Office of the City Clerk, with the request that the City Manager and the Council initiate and carry to completion the proceedings necessary to effect said proposal.

Section 614. Personnel System. All permanent places of employment in and under the Board shall be included within the personnel system of the City established pursuant to and subject to the provisions of Article VIII of this Charter, except the Executive Director and his two principal assistants, the Secretary of the Board, the Port Attorney and legal assistants, chief wharfinger, field and traffic representatives, and all persons employed in the physical or mechanical handling, moving or checking of cargo and freight. The exemption of such personnel from the operation of civil service rules shall not in any way affect such pre-existing civil service rights as such employee may hold.

Section 615. Annual Budget. The Board shall annually, on or before the fourth Monday of May, or not less than one week prior to the submission of the annual appropriation ordinance by the City Manager, should the Council advance the date therefor, but not later than the third Monday of July, carefully prepare a budget setting forth the estimated receipts of the Port, and revenue from other sources, for the ensuing year, and the sums of money necessarily required for the administration of the department, and for maintenance, operation, construction and development of the port and its facilities for the ensuing year, and stating the amount necessary to be raised by tax levy for said purposes. Said budget when so prepared, shall be certified by the President and Secretary of the Board, and a certified copy thereof shall, on or before said date, be filed with the Council, one with the City Manager, and one with the Auditor.

Section 616. Tax Levy Funds. In the event that said Port budget, as provided for in the foregoing section, shall request or provide for the allocation or appropriation to the Port by the Council of any funds raised or to be raised by tax levy or in any manner to be obtained from general revenues of the City, or shall request the incurring or payment of any financial obligation by the City for the Port's use and benefit, or shall not provide for Board servicing of existing or future

general obligation bonds of the City issued for Port purposes, the Council shall have the authority to reject said budget and to require it to be revised to meet with Council approval, subject, however, to the Board's covenants with the holders of all of the then outstanding revenue bonds issued by the Board.

The Treasurer shall keep all Port funds separate from other funds in his possession, and the Board shall have the exclusive management and disbursement of the same.

Allocation of Funds.

Section 617(1). All Port facilities, airport facilities and terminal facilities of any kind or character are hereby consolidated and shall be operated as a single project by the Board in the interest of transportation by land, by sea and by air, it being hereby found and determined that transportation facilities of all classes implement and augment each other to such an extent that the same must in the public interest be operated singly and under one central supervision and control. Wherever in this Charter the terms "port", "project", or "terminal facilities" are used, the same shall include all facilities under the jurisdiction of the Board, irrespective of whether the same shall be port or airport facilities.

Section 617(2). All moneys once apportioned or appropriated to the Board, including, without limiting the generality of the foregoing, all moneys heretofore apportioned or appropriated to and now under the control of the Board, shall be and remain under the control and order of and shall be expended by the Board for the purpose for which apportioned or appropriated and shall be kept separate and apart from all other moneys of the City or the Board. All surplus moneys which, in the judgment of the Board, are not needed for the purpose for which apportioned or appropriated, shall be allocated to and deposited in the Revenue Fund provided for in Section 617(3).

Section 617 (3). All income and revenue from the operation of the port or from the facilities of the port, of whatever kind or nature, and all net income from leases or any other source of income or revenue, including, without limiting the generality of the foregoing, all such income and revenue now under the control of the Board, shall be and remain under the control and order of and shall be expended by the Board; provided that all such income and revenue shall be allocated to and deposited in a special fund in the City Treasury (which is hereby created) designated "Port Revenue Fund" and shall be kept separate and apart from all other moneys of the City or the Board and shall be used and applied for the following purposes and in the following order of priority, to wit:

First: For the payment, as the same become due and payable, of the principal of and interest on any or all general obligation bonds of the City of Oakland heretofore and hereafter issued for port purposes, but only to the extent required

by the Constitution of the State of California or otherwise as determined by resolution of the Board.

Second: For the payment of the principal of and interest on revenue bonds, or other evidences of indebtedness payable solely from revenues as in Section 618 provided, which are due or become due during the fiscal year in which the revenues in said funds, or either thereof, are received or are to be received, together with reserve fund payments, sinking fund payments or similar charges in connection with such revenue bonds due or to become due in such fiscal year, including all payments required to be made pursuant to the terms of any resolution authorizing the issuance of revenue bonds, or required by the terms of the contract created by or upon the issuance of revenue bonds.

Third: For the payment of all costs of maintenance and operation of the facilities from or on account of which such money was received. General costs of administration and overhead of the Board not directly chargeable to each facility under its control shall be apportioned fairly by the Board, upon such reasonable basis as it may determine, to each such facility.

Fourth: For defraying the expenses of any pension or retirement system applicable to the employees of the Board.

Fifth: For necessary additions, betterments, improvements, repairs or enlargements of any facilities, and, to the extent determined by a resolution or resolutions of the Board, for replacements, renewals or reconstruction of any facilities.

Sixth: For establishing and maintaining reserve or other funds to insure the payment on or before maturity of any or all general obligation bonds of the City now outstanding or hereafter issued for any facility under the control of the Board, but only to the extent required by the Constitution of the State of California or otherwise as determined by resolution of the Board.

Seventh: For establishing and maintaining reserve or other funds to insure the payment on or before maturity of any or all revenue bonds of the Board hereafter issued.

Eighth: For establishing and maintaining such other reserve funds pertaining to the facilities of the Board as shall be determined by a resolution or resolutions of the Board.

Ninth: For transfer to the General Fund of the City, to the extent that the Board shall determine that surplus moneys exist in such fund which are not then needed for any of the purposes above stated.

Financing of Harbor and Airport Operations.

Section 618 (1). General Obligation Bonds of the City. The City of Oakland may from time to time incur general obligation bonded indebtedness in the manner provided by law for the acquisition, construction or completion of any port facilities or improvements of the Port of Oakland, including

land, rights of way and air easements. The proceeds from the sale of any general obligation bonds now authorized, or which may hereafter be authorized, for any such purposes, shall be under the control of, and shall be expended by, the Board for the objects and purposes for which such general obligation bonded indebtedness was incurred. Whenever, in the opinion of the Board, it is desirable for the City of Oakland to incur additional general obligation bonded indebtedness for any project within the jurisdiction or control of the Board, the Board shall prepare tentative plans, estimates and bond retirement schedules and submit its recommendations in writing to the City Council, which shall thereupon take such action as it deems advisable to reject or carry out such recommendations.

Section 618 (2). Revenue Bonds of the Board. In addition to all powers herein granted to the City of Oakland, and as an alternative procedure for the financing of harbor and airport improvements, the Board is authorized to issue revenue bonds payable exclusively from the revenues of a project as in this Section 618 defined and such revenue bonds shall not constitute a debt, liability or obligation of the City of Oakland and shall be payable exclusively from revenues, and other funds (including interest thereon) which may be established as additional security for said revenue bonds, as in this Section 618 provided.

Section 618 (3). Methods of Financing Not Exclusive. Nothing in this Section 618 contained shall in any way abridge, control, limit, restrict or revoke the power of the electors of the City of Oakland to vote for and cause to be authorized and issued general obligation bonds of the City of Oakland for the acquisition, construction or completion of any project herein defined, or any additions thereto or betterments or improvements thereof, irrespective of whether or not revenue bonds for such purpose have been, or may thereafter be issued hereunder, and nothing herein contained shall prevent the financing of any project or any additions, betterments or improvements thereof from any other funds which may be legally available for that purpose. Revenue bonds authorized to be issued hereunder shall not be subject to charter limitations as to the amount of general obligation bonded indebtedness of the City of Oakland, nor be taken into consideration in determining the amount of general obligation bonded indebtedness which the City of Oakland is authorized to incur, and the issuance of revenue bonds as in this Section 618 provided shall be deemed to constitute a supplemental and additional method of providing funds for the financing of harbor and airport improvements. Such revenue bonds shall be issued in the name of the Board of Port Commissioners of the City of Oakland and shall constitute obligations only of the Board, payable in accordance with their terms from revenues of any project, as in this Section 618 authorized.

Section 618 (4). Definitions. The following terms whenever used or referred to in this Section 618, or in any resolution authorizing the issuance of revenue bonds, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) Revenue Bonds. The term "revenue bonds" means the written evidence of any obligation issued by the Board, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this Section, in order to obtain funds with which to carry out any of the purposes of this Section, irrespective of the form of such obligation.

(b) Project. The term "project" means (i) any one or more, or all of, the harbor and port facilities referred to in Section 606 of this Charter and (ii) any airport facilities, the jurisdiction and control over which have been, or may hereafter be, vested in the Board by the City of Oakland; provided that the Board may limit or restrict the term "project" to any particular facility or facilities which may be designated by the Board as a specific project in any resolution of issue for the purpose in such resolution provided.

(c) Revenues. The term "revenues" means and includes any and all rates, tolls, fees, rentals and other charges received or receivable in connection with, and any and all income and receipts of whatever kind and character derived by the Board from, the operation of a project, or arising from a project, including any such revenues, as may have been or may be impounded or deposited in any fund created for the security or further protection of revenue bonds or for the purpose of providing for the payment of the principal thereof or the interest thereon. The term "revenues" also includes net revenues from any existing facilities under the jurisdiction of the Board to the extent that the same shall be pledged or otherwise made available for the payment of principal and interest of revenue bonds or as security or further protection for revenue bonds issued by the Board.

(d) Resolution of Issue. The term "resolution of issue" means any agreement entered into by the Board, including any resolution adopted by the Board, pursuant to which revenue bonds are issued, and includes any agreement entered into or resolution adopted by the Board amending, modifying or supplementing a resolution of issue irrespective of the form thereof.

Section 618 (5). Rates, Tolls and Charges. Without limiting any power in this Charter conferred upon the Board, the Board has power for any of the purposes of this Section 618 to fix rates, tolls, fees, rentals or charges for the use of the facilities provided by any project, or for any services rendered in connection therewith, and to alter, change or modify the same at its pleasure, subject to any contractual obligation which may be entered into by the Board with respect to the fixing of such rates, tolls, fees, rentals or other

charges; and, by a resolution of issue or otherwise, to enter into covenants to increase rates, tolls, fees, rentals or other charges from time to time; provided, however, that any person shall be permitted to use or operate any facilities provided by any project only upon payment of the regularly established charge therefor, except as may be otherwise specifically provided in a resolution of issue. All rates, fees, rentals and other charges shall be paid only in such coin or currency as on the date of payment is legal tender for public and private debts.

Section 618 (6). Authorization of Revenue Bonds. Each issue of revenue bonds shall be authorized by the Board by a resolution of issue adopted by the affirmative votes of at least five (5) members of the Board at a duly assembled meeting. Each resolution of issue shall prescribe the purpose or purposes for which, and the terms and conditions on which, said revenue bonds are to be issued.

Section 618 (7). Provisions relating to Revenue Bonds. The Board shall have power to determine all of the terms and conditions of the issuance and sale of revenue bonds pursuant to this Section 618, and without limiting in any way the generality of such power, the Board is expressly authorized in its discretion to provide, in connection with any issue of such revenue bonds, as follows:

(a) Series and Divisions. Revenue bonds may be issued in series, and any issue may be divided into one or more series or divisions with different maturities or dates for each series or division, different rates of interest and different terms and conditions for the bonds of the several series or divisions. Revenue bonds of the same authorized issue need not be of the same kind or character, have the same security, or be of the same interest rate, but the terms thereof in each case shall be as provided for by the Board.

(b) Form and Date of Bonds. Bonds shall be of such form and tenor and shall bear such date or dates as may be prescribed by the resolution of issue.

(c) Maturity. Bonds may be serial bonds or sinking fund bonds with such maturity or maturities as shall be provided in the resolution of issue. No bond by its terms shall mature in more than forty (40) years from its own date and, in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date of each such series or division shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

(d) Interest. Bonds shall bear interest at a rate of not to exceed seven (7) percent per annum, payable annually or semi-annually, or in part annually and in part semi-annually.

(e) Coupon or Registered Bonds. Bonds may be issued as coupon bonds or as registered bonds, with or without coupons, with appropriate provisions for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds; bonds may be registered as to principal only, or as to both principal and interest; and new bonds or coupons may be issued in place of bonds or coupons which have been surrendered and canceled whenever appropriate as incidental to the discharge of any bond from registration; all on such terms and conditions, and at such place or places, within or without the State of California, as the Board may determine.

(f) Redemption. Bonds may be callable upon such terms and conditions, at the option of the Board or by operation of any sinking fund, and upon such notice as the resolution of issue shall prescribe and upon payment of such premium (not exceeding seven (7) per cent of the par value of such bonds) as may be fixed in the resolution of issue. No bond shall be subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call is expressly stated on the face of the bonds.

(g) Source of Payment. All revenue bonds shall be payable exclusively from revenues as more particularly defined in the resolution of issue.

(h) Reference on Bonds to Resolution of Issue. Reference on the face of a revenue bond to the resolution of issue by its date of adoption shall be sufficient to incorporate all of the provisions thereof and of this Section 618 into the body of said revenue bond and its appurtenant coupons and each taker and subsequent holder of a revenue bond or coupons, whether such coupons are attached to or detached from said revenue bond, shall have recourse to all of the provisions of the resolution of issue and of this Section 618 and shall be bound thereby.

(i) Recital in Bonds. Bonds may contain a recital that all acts, conditions and things required to exist, to happen and to be performed, precedent to and in the issuance of the bonds have existed, happened and been performed in due time, form and manner as required by law and this Charter, all of which facts the Board is authorized to find and determine prior to the issuance of the bonds. Revenue bonds shall also contain a recital on their face that neither the payment of principal of nor of interest on such bonds constitutes a debt, liability or obligation of the City of Oakland.

(j) Place and Manner of Payment. The principal of and interest on bonds may be payable at any one or more places within or without the State of California and in any specified coin or currency of the United States of America, as may be provided in the resolution of issue.

(k) Execution and Authentication of Bonds; Validity of Signatures and Countersignatures. Bonds may be executed and authenticated by the manual, lithographed or printed fac-

simile signature of any officer or officers of the Board and may also be authenticated by a trustee or fiscal agent appointed by the Board. If any of the officers whose signatures or countersignatures appear on the bonds cease to be officers before the delivery of the bonds or coupons to the purchasers thereof, their signatures or countersignatures shall nevertheless be valid and of the same force and effect as if such officer had remained in office until the delivery of the bonds and coupons.

(*l*) Issuance of Temporary Bonds. Pending the actual issuance or delivery of definitive bonds, the Board may issue temporary or interim bonds, certificates or receipts of any denominations whatsoever, and with or without coupons, and with such provisions as the Board shall determine, to be exchanged for definitive bonds when ready for delivery. In the absence of an express recital on its face that a temporary bond or interim receipt is non-negotiable, such bond or interim receipt is a negotiable instrument.

(m) Replacement of Lost, Destroyed, Mutilated or Stolen Bonds. Lost, destroyed, mutilated or stolen bonds or coupons may be replaced as provided in the resolution of issue.

(n) Security. All revenue bonds shall be secured by an exclusive pledge and charge upon all or a portion of the gross revenues of any project for or in connection with which said revenue bonds are issued or authorized to be issued, including revenues of any existing facilities, all as provided for in the resolution of issue. Gross revenues of a project may include revenues from additions, betterments, improvements and extensions of such project later constructed or acquired. The gross revenues of a project and any interest earned on the gross revenues of such project shall constitute a trust fund for the security and payment of the principal of and interest on the revenue bonds and so long as any revenue bonds or interest thereon are unpaid said revenues and interest shall not be used for any other purpose; provided, however, that a resolution of issue may provide that if the principal of and interest on the bonds and all charges to protect and secure them are paid when due, an amount for the maintenance and operation costs of a project may be apportioned from revenues, but only to the extent specified in the resolution of issue.

(o) Revenue Bonds of Same Issue to be Equally Secured. Revenue bonds of the same issue shall be equally secured by a pledge and charge upon revenues, without preference or priority by reason of number, date of bonds, or date of sale, execution, or delivery of bonds; except that if the Board authorizes the issuance of bonds of different series it may provide that the bonds in any series shall, to the extent and in the manner prescribed in the resolution of issue, be subordinated and be junior in standing with respect to the payment of principal and interest and the security thereof to such other bonds as may be specified in the resolution of issue.

(p) Refunding Bonds. Refunding bonds may be issued and sold or exchanged for the purpose of redeeming, retiring or refunding any revenue bonds issued under this Section 618, subject to any limitations contained in the resolution of issue pursuant to which such revenue bonds are issued. All provisions of this Section applicable to the issuance of revenue bonds shall be applicable to the refunding bonds and to the issuance, sale or exchange thereof. Refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all bonds to be refunded thereby, and, in addition, for the payment of all expenses incident to the calling, retiring or paying of such outstanding bonds and the issuance of such refunding bonds. Such expenses may include the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold, any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded, or to the date upon which the bonds to be refunded will be paid pursuant to call thereof, and also the premium, if any, necessary to be paid in order to call and retire the outstanding bonds and the interest accruing thereon to the date of call or retirement.

(q) Validity of Revenue Bonds not Affected by Actions of City or Board Relative to Project. The validity of the authorization and issuance of any revenue bonds by the Board shall not be dependent on or affected in any way by:

(i) Proceedings taken by the City or the Board for the acquisition, construction or completion of any project or any part thereof;

(ii) Any contracts made in connection with the acquisition, construction or completion of any project; or

(iii) The failure to complete any project for which bonds are authorized to be issued.

(r) Sale of Revenue Bonds. Notice inviting sealed bids shall be given in such manner as the Board may prescribe prior to any sale of revenue bonds. 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, the Board may reject all bids received, if any, and either readvertise or sell the bonds at private sale. The Board may sell bonds at a price below the par or face value thereof, provided that the maximum net interest cost (computed on a 360-day year basis) on bonds sold below par or face value shall not exceed an average of seven (7) per cent per annum, payable semi-annually, to the respective maturity dates of said bonds.

(s) Payment of Incidental Expenses and Interest and Creation of Funds from Proceeds of Sale of Revenue Bonds. All costs and expenses incidental to the issuance and sale of revenue bonds, including the cost of preparation of the revenue

bonds and coupons, the cost of all surveys, of preparation of plans and specifications, of all architectural, engineering, inspection, legal, financial and economic consultant's, trustee's and fiscal agent's fees, the creation of a bond reserve fund, the creation of a working capital fund, and bond interest estimated to accrue during the period of acquisition or construction of a project and for a period of not to exceed three (3) years thereafter, all as provided for in the resolution of issue, may be paid out of the proceeds of sale of the revenue bonds.

Section 618 (8). Provisions Relating to Resolutions of Issue. The Board is hereby further authorized in its discretion to provide in and by each resolution of issue which may be adopted by the Board as follows:

(a) Construction Fund. The proceeds of sale of revenue bonds shall either be deposited in a fund separate and apart from all other funds of the City and the Board or paid direct to any bank or trust company designated by the Board as its fiscal agent, and said proceeds shall be held either by the City or such fiscal agent in a separate account to be designated the "Construction Fund" and be disbursed in the manner and upon the conditions provided in the resolution of issue for the object and purpose of the acquisition, construction and completion of the project therein designated, or for additions, betterments or improvements thereof, including the payment of all incidental expenses and interest and the creation of funds as provided for in subparagraph (s) of paragraph 7 of this Section 618. Moneys in any construction fund may be invested as the Board in its sole discretion shall determine, subject only to such limitations as may be provided in the resolution of issue. Moneys in a construction fund remaining unexpended after said object and purpose shall have been completed may be applied to the payment of the principal of and interest on said revenue bonds, and none of said moneys may be transferred to any other fund of the City or the Board or used for any purpose other than as specified in the resolution of issue.

(b) Continuous Operation of Project; Repairs, Renewals and Replacements. So long as any bonds thereby authorized shall be outstanding, the City and the Board shall operate the project designated in the resolution of issue continuously and in an efficient and economical manner and in good working order and condition and shall make all necessary repairs, improvements and replacements; provided that the Board in its discretion may, subject to the terms of any resolution of issue, abandon or discontinue operation of any one or more facilities comprising a part of a project.

(c) Rates, Fees and Other Charges. The Board will prescribe, revise and collect rates, tolls, fees, rentals and charges for use of the facilities provided by the project, the revenues from which are pledged to secure the bonds; and the Board

will provide that such rates, tolls, fees, rentals and charges shall at all times be sufficient to yield revenues from such project and from any existing facilities the revenues from which are pledged to secure any bonds equal to all redemption payments and interest charges on said revenue bonds as the same fall due, together with such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the security or further protection of said revenue bonds, or as a depreciation charge or other charge in connection with such project, and that such rates, tolls, fees and charges shall not be reduced below an amount sufficient to provide funds to meet all obligations specified in the resolution of issue.

(d) Holding and Application of Revenues. The Board shall be required to hold or cause to be held in trust the revenues pledged to the payment of the principal of and interest on the bonds issued pursuant to said resolution of issue, or to any reserve or other fund created for the security or further protection of the bonds, and to apply such revenues or cause them to be applied only as provided in the resolution of issue.

(e) Preservation and Protection of Security of Bonds. The Board shall be required to preserve and protect the security of the bonds issued thereunder and the rights of the holders and to warrant and defend such rights and, also, to pay and discharge or cause to be paid and discharged all lawful claims for labor, materials and supplies or other charges which, if unpaid, might become a lien or charge upon revenues, or which might impair the security of any revenue bonds. Any right, power or privilege of the City or the Board to mortgage or otherwise encumber, or to sell, lease or dispose of a project or to enter into any lease or agreement which impairs or impedes the operation of a project or of any part thereof necessary to provide adequate revenues, or which otherwise impairs or impedes the rights of the holders of the bonds with respect to such revenues, may be limited, restricted or prohibited except upon such terms and conditions as may be provided in the resolution of issue.

(f) Proceeds of Project Taken by Eminent Domain. If any part of a project shall be taken by eminent domain or other proceeding authorized by law, the proceeds to the City or the Board therefrom shall be applied to the replacement of such project or to the payment and retirement of the bonds or otherwise as set forth in said resolution of issue.

(g) Insurance. Insurance of specified kinds and amounts shall be maintained by the Board on a project, or any part thereof (including insurance of any project against loss of revenues from any cause whatsoever, against public liability or property damage and against loss by fire or any other hazard, as may be provided in any resolution of issue). The premiums thereon shall be paid by the Board from revenues, or other specified funds or sources of income, and the use and

disposition of proceeds of any such insurance thereafter collected shall be as specified in such resolution.

(h) Books, Records and Accounts.

(i) The Board will keep accurate books and records of account showing all revenues received from the operation of any project and all expenditures thereof, and all revenues from any facilities pledged or otherwise made available as security or as further protection for the revenue bonds issued pursuant to said resolution of issue.

(ii) All such books and records shall be open at all times during business hours to the inspection of the holders of one or more of the bonds or of any specified percentage of such holders or their duly authorized representatives.

(iii) Annual or other periodic statements of the condition of such project and of all of said other revenues will be furnished to the holders of the bonds or to the trustee or fiscal agent hereinafter provided for, or to any designated percentage of the holders of the bonds.

(iv) Summaries of all such statements will be published at least annually in the official newspaper of the City.

(v) The books and records of the City and the Board pertaining to the operation of any project and to all of said other revenues shall be audited by independent public accountants in such manner and under such circumstances as may be set forth in the resolution of issue.

(i) Trustee; Fiscal Agent; Paying Agents. A bank or trust company qualified to do business in the State of California shall be appointed as a trustee or fiscal agent for the Board and holders of bonds issued under said resolution of issue, and any such trustee may be authorized to act on behalf of the holders of the bonds or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The Board may be authorized to designate any bank or trust company in any city in which any bonds are made payable as the Board's paying agent in such city, and may fix and determine the conditions upon which any trustee, fiscal agent or paying agent shall receive, hold or disburse any or all revenues deposited with it by or by authority of the Board. A resolution of issue may prescribe the duties and powers, if any, of any such trustee, fiscal agent or paying agent with respect to the issuance, authentication, sale and delivery of the bonds, the payment of the principal thereof and interest thereon, the redemption thereof, the registration and discharge from registration of bonds and the management of any funds provided for in the resolution of issue as security for the bonds.

(j) Competitive Projects. Neither the City nor the Board shall, while any revenue bonds authorized by this Section 618 are issued or outstanding, acquire, construct, complete or maintain any projects or facilities or places within or without

the City of Oakland, which compete in any way with any project or which are similar to any facilities or projects maintained or operated by the City or the Board through the issuance of revenue bonds pursuant to this Section 618.

(k) Limitation on Additional Indebtedness. The incurring of additional indebtedness payable in whole or in part from the revenues charged with payment of the revenue bonds issued pursuant to such resolution of issue shall be limited, restricted or prohibited as provided in such resolution.

(*l*) Events of Default. The rights, limitations, powers and duties arising upon breach by the Board of any of its covenants, agreements or obligations shall be as contained in the resolution of issue, which may also provide the terms and conditions upon which all bonds issued thereunder may be declared or become due and payable prior to maturity and the terms and conditions upon which such declaration and its consequences may be waived.

(m) Amendment or Modification of Resolution of Issue. A resolution of issue may prescribe a procedure by which the terms and conditions of the bonds and the resolution of issue may be subsequently amended or modified with the consent of the Board and the vote or written assent of the holders of a specified principal amount or proportion of the bonds issued and outstanding, including provision for meetings with bondholders and the manner in which the consents of the bondholders may be given. A resolution of issue may set forth a specific statement of the effect of each such amendment or modification upon the rights of the holders of all of the bonds and interest coupons appertaining thereto. If desired, a resolution of issue may contain a provision that bonds held by the Board or by the City or by the State of California or any public corporation, political subdivision, city, county, district or any agency of any thereof, shall not be counted as outstanding bonds or be entitled to vote or consent, but shall nevertheless be subject to any such amendment or modification.

(n) Use of Surplus. After all of the revenue bonds issued pursuant to a resolution of issue shall have been fully paid or discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in any construction fund or other fund provided for the security or further protection of the bonds may, subject to the limitations and restrictions in said resolution of issue, become subject to control of the Board and be expended by the Board for any lawful purpose.

(o) Additional Covenants and Agreements. The Board will take such other action and do such other things and make any and all such additional covenants and agreements as the Board shall deem necessary or advisable for the better security of the bonds or to make the bonds more marketable.

Section 618 (9). Rights of Bondholders. Except as provided otherwise in any resolution of issue, the holder of any

bond issued pursuant to this Section 618 may, by mandamus or other appropriate proceedings, require and compel the performance of any of the duties imposed upon the Board or the City or the Council or any official or employee of the Board or the City or assumed by any thereof in connection with the acquisition, construction, completion, operation, maintenance, repair, reconstruction or insurance of any project, or the collection, deposit, investment, application and disbursement of rates, fees and charges derived from the operation and use of any project and all other revenues, or in connection with the deposit, investment or disbursement of the proceeds received from the sale of the bonds under this Section. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this Section 618.

Section 618 (10). Section Confers Complete Authority. The provisions of this Section constitute full and complete authority for the issuance of revenue bonds as herein provided by the Board and no other procedure, or proceedings, consents, approvals, orders or permission from the Council or any municipal officer or board of the City of Oakland, shall be required for the acquisition, construction or completion of any project, or the issuance of any revenue bonds under this Section 618 except as specifically provided in this Section 618. The powers and authorities conferred by this Section are in addition to and supplemental to all other powers and authorities conferred upon the Board.

Section 618 (11). Incurring Indebtedness. In addition to all other powers herein granted to it and notwithstanding any other provision of this Section 618, the Board is authorized: (a) from time to time to incur indebtedness for the purpose of the acquisition, construction, completion or improvement of any structure or facility which the Board is authorized to develop, construct, reconstruct, alter, repair, maintain, equip or operate pursuant to Section 606, and to lease such structure or facility to any person, subject to the limitations of this Section; provided that no such indebtedness shall constitute a debt, liability or obligation of the City of Oakland, that each such indebtedness shall be repaid exclusively from the income and revenue referred to in this clause (a), and that the Board shall provide not later than the date on which each such indebtedness is incurred for payment in full of the principal of and interest on such indebtedness by a pledge of all or any portion of the gross income derived or to be derived by the Board from the lease of such structure or facility and of all or any portion of any other income and revenue then or thereafter under control of the Board as shall be legally available for such purpose (all hereinafter in this Section referred to as "the pledged income and revenue"); (b) for the purpose of paying the principal of and interest on such indebtedness,

to assign to any person all or any portion of the pledged income and revenue; and (c) notwithstanding the provisions of Section 617 (3), to deposit the assigned portion of the pledged income and revenue in a special fund other than the Port Revenue Fund provided for in said Section 617 (3), which said special fund (i) may be held or maintained by the Board or by the Assignee of the assigned portion of the pledged income and revenue and (ii) shall be used and applied by the Board or such assignee only to pay the principal of and interest on such indebtedness. Any pledged income and revenue remaining in any such special fund after payment in full of the principal of and interest on the indebtedness for which said special fund was created shall be deposited by the Board in said Port Revenue Fund.

Any lease executed by the Board pursuant to this Section shall be for a term of not to exceed 50 years and shall be made by the Board only after complying with the provisions of Section 609 of this Charter. Any such lease may provide that all or any part of the cost of maintenance of the leased structure or facility shall be paid by the lessee thereof or by the Board and, to the extent that such cost is to be paid by the Board, that such payment shall be made either from gross income to the Board from such lease or from any other legally available funds of the Board.

Any indebtedness incurred by the Board pursuant to this Section shall (1) be evidenced by contract or other written instrument which may be made by the Board without complying with any of the provisions of Section 610 of this Charter and which shall be signed by the President of the Board and approved by a resolution of the Board, (2) bear interest at a rate not exceeding 7% per annum payable annually or more often as shall be provided by the Board at the time such indebtedness is incurred and (3) be paid in not to exceed 50 years from the date on which it is incurred on such terms and conditions and subject to such right of payment of all or any part of such indebtedness prior to maturity as shall be provided by the Board at the time such indebtedness is incurred; provided, that the Board may fix a date not more than 5 years from the date of incurring any such indebtedness as the date of payment of the first installment of the principal thereof and that beginning on such date not less than $\frac{1}{30}$ of the principal amount of such indebtedness shall be paid annually and the entire principal amount thereof shall be paid in not to exceed 50 years from the date on which it is incurred.

The term "person" as used in this Section means any individual, firm, association, private or public corporation, public district or political subdivision of the State of California, the State of California, the United States of America, or any agency or authority of any thereof.

Section 618(12). Notwithstanding any other provision of this Charter, including Section 618(11), to the contrary, any lease the Board is authorized to make shall be for a term of not to exceed sixty-six years.

Section 619. Moneys on Hand. All moneys in the Harbor Maintenance and Improvement Fund at the time of the adoption of this Charter and all other revenues and funds in the possession of the City set aside for port purposes, shall immediately be under the jurisdiction and control of the Board.

Section 620. Duties of Treasurer. All moneys under the control of the Board shall be immediately paid over to the Treasurer of the City of Oakland, who shall have the care and custody of said funds, and shall keep separate accounts thereof, and pay out the same, as provided in this Charter.

Section 621. Revolving Fund. The Board shall have authority to set up by ordinance a sufficient contingent or revolving fund from which the Executive Director shall be entitled to draw warrants directly upon the Treasurer for the prompt payment of transient laborers, and the Treasurer shall upon presentation of same, pay such warrants. Statements of such payments shall be filed with the Board at its regular meetings and shall be approved by the Board and endorsed by the President and Secretary thereof, and audited as in the case of ordinary claims.

Section 622. Additional Powers. The City Council, subject to the approval of the Board, may by ordinance confer upon and delegate to the Board, from time to time, such additional powers and duties which may be vested in it, and which it may deem necessary or convenient to carry out the general purposes of such Board.

Section 623. Liberal Construction. If any section, clause, word, or provision of this Article shall be held unconstitutional, the other sections, clauses, words, or provisions of this Article shall not be affected thereby. All the provisions of this Article shall be liberally construed.

Section 624. The provisions of this Article shall supersede and control all other provisions of the Charter in conflict therewith. To all other extents, the powers, duties, and functions heretofore vested in the Council, or any of the officials, boards, or departments of the City, shall be unimpaired.

Section 625. Port Area. The "Port Area" under the exclusive jurisdiction of the Board of Port Commissioners shall be the same area that existed immediately prior to the adoption of this Section, as it has been defined by Charter and by ordinance, and as it may hereafter be altered by Council ordinance in accordance with and upon the recommendation of the Board, or by amendment of this Charter.

Section 626. Without denial or disparagement of other powers now held by or that may hereafter be given to the City of Oakland or its legislative bodies under or by the Con-

stitution or the laws of the State of California, the City Council and Board of Port Commissioners are hereby authorized and empowered to grant and convey all or any portion of or interest in the tidelands and submerged lands located in the Middle Harbor area of the City, lying between the Estuary of San Antonio and Seventh Street, and westward of Bay Street extended southerly, to the United States of America for public or governmental (including military or naval) purposes, subject to such terms, conditions, and reservations, if any, as the Council and Board shall deem proper. No ordinance or other measure passed in respect to any such grant shall be subject to the referendum provisions of this Charter. All proceedings heretofore taken to accomplish such a grant are hereby ratified, confirmed and approved, and the completion thereof and making of such grant is hereby authorized.

Section 627. Land Use and Development. The Board shall develop and use property within the Port Area for any purpose in conformity with the General Plan of the City. Any variation therefrom shall have the concurrence of the appropriate City board or commission; provided, that the Board may appeal to the Council for final determination of adverse decisions of such board or commission, in accordance with uniform procedures established by the Council.

Article VII

Fiscal Administration

Section 700. Fiscal Year. The fiscal year for the City shall commence on the first day of July of each year.

Section 701. Budget. Each department, office and agency of the City shall provide in the form and at the time directed by the City Manager all information required by him to develop a budget conforming to modern budget practices and procedures as well as specific information which may be prescribed by the Council. Not later than May 31 of each year, the City Manager shall prepare and present to the Council, in such form and manner as it may prescribe, budget recommendations for the next succeeding fiscal year. Following public budget hearing, the Council shall adopt by resolution a budget of proposed expenditures and appropriations necessary therefor for the ensuing year, failing which the appropriations for current operations of the last fiscal year shall be deemed effective until the new budget and appropriation measures are adopted.

Section 702. Levy of Property Tax. Not later than the date set by state law for this purpose, the Council shall by resolution fix the rate of property tax to be levied and levy the tax upon all taxable property in the City. Such rate shall be adequate to meet all obligations of the City for the fiscal year, taking into account estimated revenue from all other

sources. Should the Council fail to fix the rate and levy taxes within the time prescribed, the rate for the next preceding fiscal year shall thereupon be automatically effective, and a tax at such rate shall be levied upon all taxable property in the City for the current fiscal year.

Section 703. Cash Pool Operations. Municipal obligations may be financed by cash pool operations and utilization of a check system (as contrasted with a warrant system). Except for those funds restricted by bond indentures, state or federal law, other sections of this Charter or specific conditions of the legislation creating them, temporary transfers between funds are permitted.

Section 704. Funds. The Council shall create, reduce or eliminate such Funds as are required for proper accounting and fiscal management, or required as a condition of receiving funds from any other government, or to fulfill any bonded or other contractual obligation of the City.

Section 705. Accounting System. The City Manager shall establish and maintain a system of financial procedures, accounts and controls for the City government and each of its departments, offices and agencies which shall conform to generally accepted principles of accounting which shall be adequate to account for all monies on hand and for all income and expenditures in such detail as will provide complete and informative data concerning the financial affairs of the City and in such manner as the Council may prescribe and as will be readily susceptible to audit and review.

Section 706. Receipts and Expenditures. All monies received by the City shall be deposited in the City Treasury, and no monies shall be disbursed from the treasury without the approval of the City Manager or of another officer duly authorized by him. No expenditure of City funds shall be made except for the purposes and in the manner specified by an appropriation of the Council; nor shall any disbursement be made unless obligations are properly supported by accounting evidence, sufficient money is available in the City Treasury and there is an adequate unencumbered appropriation balance in the proper account classification. The City Manager or other officer authorized by him to make disbursements shall be represented by the City Attorney in all legal matters in connection therewith, except as provided otherwise in Section 301.

Section 707. Goods and Services. The City Manager or an officer authorized by him shall purchase or contract for equipment, materials, supplies and public works required by the City in the manner prescribed by ordinance, except as otherwise provided herein.

Section 708. Bids and Awards. The Council shall establish by ordinance the conditions and procedures for any purchase or contract, including advertising and bidding requirements, and may provide that all bids may be rejected. The

ordinance may provide that under specified conditions, which the Council must find and determine exist in each applicable instance, advertising and bidding may be dispensed with.

Section 709. Annual Audit. The Mayor upon approval of the Council shall engage during the first month of each fiscal year an independent certified public accountant who shall examine and report to the Council on the annual financial statement of the City. He shall have free access to the books, records, inventories and reports of all officers and employees who receive, handle, or disburse public funds, and of such other officers, employees, or departments as the Council may direct. He shall submit his audit as soon as practicable after the closing of the books for the fiscal year for which he is engaged. Copies of such audit reports shall be filed with the Council, and shall be available for public inspection and review.

Section 710. Deposit and Investment. The City Manager shall arrange for the deposit in the City Treasury or in designated banks of all funds collected by any department or agency of the City, according to a schedule prescribed by him. After taking into account the amounts required to meet the current and pending requirements of the City, the City Manager may arrange for the term deposit or investment in securities authorized by law of any balances available for such purpose and the yield therefrom shall be credited as revenue to the general fund unless otherwise provided by law or directed by the Council.

Section 711. Official Bonds. The Council shall determine by ordinance which officers and employees shall be subject to group or individual bonds to insure the faithful performance of official duties, shall fix the amount of such bonds and shall provide payment of the premium of such bonds by the City.

Section 712. Revenue Bonds. The Council may issue revenue bonds for any lawful purpose in such manner and upon such terms and conditions as it may fix and establish by the provisions of a procedural ordinance; provided, however, that in the procedure for the issuance of any such bonds for the acquisition, construction or establishment of any gas, electric or telephone system, the general laws of the State of California in force at the time such proceedings are taken shall be observed and followed.

Article VIII

Personnel Administration

Section 800. Personnel Policy. It is the policy of the City that there shall be a comprehensive personnel system based on merit and such system shall be continued and maintained for the purpose of providing an equitable and uniform procedure for dealing with personnel matters; to serve the mutual in-

terests of the people, the City as an employer and its employees through accepted modern concepts and practices of public personnel administration; to attract to municipal service the best and most competent person available; to assure that appointments will be based on merit and fitness as ascertained by practical competitive examination and by records of achievement; and to provide the employees security of tenure, with advancement or promotion within the service where practicable from among employees having appropriate qualifications, free of discrimination, subject to their adherence to established standards of performance and conduct, all as more particularly hereinafter set forth in this article.

Section 801. Enforcement and Administration. The provisions of this article, and of the ordinances and rules adopted to give effect thereto, shall be enforced by a Civil Service Board. The Board shall be constituted and appointed as provided in Article V. The Board shall be responsible for the general supervision of the personnel system, without impairment of the responsibility and duty of the City Manager, department heads and other supervisory personnel to exercise the administrative discretion vested in them by this Charter, or by ordinance.

Section 802. The Competitive Service. The Council may establish departments, divisions, offices and positions of employment by ordinance, and may change or abolish the same and prescribe their powers, functions and duties. The Council may by resolution provide for temporary employment of services when required. The competitive Civil Service shall include all offices and employments in the City government except:

(a) Offices required by this Charter to be filled by election or to be appointed by the Mayor and City Council.

(b) One secretary and all professional and administrative assistants in the office of the City Manager; the Mayor's secretary and an assistant and such other staff as authorized by Council; one secretary and one assistant to the City Attorney and the Auditor respectively; and the heads of such other departments and an assistant to each as may be provided for by ordinance. The City Manager, the Mayor, the City Attorney, and the Auditor shall respectively appoint such exempt personnel.

(c) Department heads, one secretary to the executive director, the secretary of the board, commercial representatives and freight and cargo handlers and checkers employed by the Port Department; also such others engaged in the handling of ships and shipping as are found by both the Board of Port Commissioners and the action of the Civil Service Board as provided for pursuant to Article V to hold positions peculiar to the operations of the Port as a commercial enterprise.

(d) Part-time employees who are regularly employed for less than one-half the established working hours throughout the year; or those who are employed in any seasonal employment for not more than 120 days in any consecutive 12 months.

(e) Individuals or organizations engaged by contract after a finding by the Council or the Board of Port Commissioners, as the jurisdiction may be, that the service is of a professional, scientific or technical nature and is temporary in nature, or after finding by vote of two-thirds of the members of the Council or said Board that the performance of the service by contract, regardless of nature or term, is in the public interest because of economy or better performance; provided, that no such contract for service shall result in the loss of employment or salary by any person having permanent status in the competitive service.

(f) Such additional positions as may be excepted upon the recommendation of the Council, approved by the Civil Service Board as provided for pursuant to Article V.

Section 803. Provisional Appointments. When there is no appropriate eligible list, provisional appointments to positions in the competitive civil service may be made pending the creation of such lists, but such provisional employment may not extend beyond the creation of the list nor in any event may such employment be renewed or extended beyond 120 days.

Section 804. Personnel Ordinance. The Council shall by ordinance provide a modern system of personnel administration for the competitive civil service.

Section 805. Continuation. Pending adoption of the ordinance required in Section 804, the provisions of Article XIII, as the same appeared in the Charter immediately prior to the adoption of this section, shall continue in full force and effect except as the same may hereafter be changed by amendment thereof in the manner provided by law for the amendment of charter provisions. Said provisions of Article XIII shall cease to have any force or effect immediately upon the adoption of the ordinance required in Section 804. The rules of the Civil Service Board shall remain effective until modified as authorized by ordinance pursuant to Article V.

Section 806. Improper Political Activity. No city employee shall engage in or participate in any political activity contrary to any general law applicable to such employee. No city officer or official shall solicit or obtain from any city employee a contribution of services, money or any other thing of value, for any election or campaign purpose.

Section 807. Nepotism. The Mayor or City Council shall not appoint as an employee or officer, to receive any compensation from the City, any person who is a relative by blood or marriage within the third degree of the Mayor or any one or more of the members of the Council, nor shall the City Manager or any other appointing authority appoint to any such position any relative of his or of the Mayor or any member of the Council within such degree of kinship.

Section 808. Social Security. Provisions for an employee retirement system shall not be construed to prevent the City

and its employees from participating in any state or national social security system to the extent permitted by law for public employees.

Section 809. Authority to Join Pension System. Notwithstanding the provisions of Section 1109 the City, by and through its Council, may join, or arrange for reciprocity of membership in, or continue as a contracting agency in, any retirement or pension system or systems existing or hereafter created under state or federal law to or in which municipalities and municipal officers or employees are eligible, either for all such officers and employees, or for less than all on the basis of a reasonable classification, provided that no employee or officer or classification thereof shall be unreasonably omitted from all systems referred to in this section or in Section 808 of this Charter.

Article IX

Franchises, Licenses, Permits, Leases and Sales

Section 900. Franchises, Licenses, Permits. The Council shall have authority to grant or issue franchises, licenses and permits for the transaction of business or the providing of services, or for the use of public streets or other public places, and to provide by ordinance the procedure for the granting or issuing thereof, the taxes, charges, fees or other compensation to be paid therefor and the penalties for the violation thereof.

Section 901. Leases, Sales. The Council shall have authority to lease or sell real and personal property owned or controlled by the City in accordance with such uniform procedure as it shall adopt by ordinance, provided, however, that no lease of real property shall be for a term in excess of sixty-six years.

Section 902. Right to Acquire. No franchise grant shall be construed to impair or affect the right of the City, acting pursuant to law, to acquire the property of the grantee either by purchase or through the exercise of the right of eminent domain.

Article X

Elections

Section 1000. Municipal Nominating Election. Municipal Nominating Elections for the nomination of officers and for such other purposes as the Council may prescribe shall be held in the City on the third Tuesday in April in each odd-numbered year.

Section 1001. General Municipal Elections. General Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held in the City on the fourth Tuesday after each Municipal Nominating Election.

Section 1002. Special Municipal Elections. All other municipal elections that may be held by the authority of this Charter or of any law shall be known as Special Municipal Elections.

Section 1003. Election Procedure. The mode, manner, form and procedure for nominations, qualifications, petitions, filing—including fees therefor and amounts thereof—and elections, for elective office, may be provided by ordinance. Except as may be otherwise provided by ordinance, declarations of candidacy, nominations for election, all elections and all procedures relating thereto shall be in accordance with the applicable provisions of state law.

Section 1004. Initiative, Referendum and Recall. The People of the City reserve to themselves the powers of initiative and referendum and the recall of elected officials, to be exercised in the manner prescribed by general law of the State.

Article XI

General Provisions

Section 1100. Conflict of Interest. No officer of the City may participate on behalf of the City in any transaction or activity in which he has a conflict of interest, as such conflict is defined by State Law. The penalty for violation of this section shall be as provided by State Law.

Section 1101. Incompatible Employment. Each officer and employee shall, during his hours of active duty, devote his whole time, attention and efforts to his office or employment, and he may not be required to perform any service except for the benefit of the City. No officer or employee of the City may engage in any employment, activity or enterprise which has been determined to be inconsistent, incompatible or in conflict with his duties or with the duties, functions and responsibilities of the department or other agency in which he is employed. The City Manager, or the City Attorney, or the Auditor, as to personnel under their respective jurisdictions, shall declare the activities which will be considered inconsistent, incompatible or in conflict with, or inimical to, the duties of such personnel as city employees. In making this determination, consideration shall be given to employment, activity or enterprise which: (a) involves the use for private gain or advantage of city time, facilities, equipment and supplies, or the badge, uniform, prestige or influence of one's city office or employment; or (b) involves receipt by the officer or employee of any money or other consideration for the performance of any act required of him as a City officer or employee; or (c) involves the performance of an act in other than his capacity as City officer or employee which act may later be subject directly or indirectly, to control, inspection, review, audit or enforcement by him or by the agency in which he is employed.

Section 1102. Conflict in office. The Mayor and members of the Council shall not hold any other municipal office or any other office or employment to receive compensation from the City; or be appointed or elected to any office created by the Council while he is a member thereof, until at least one year shall have expired after the expiration of the term for which he was elected.

Section 1103. Gifts and Trusts. The Council shall have the power to accept gifts and trusts in behalf of the City and to control, manage, dispose of and otherwise administer the same in accordance with their terms.

Section 1104. Title to Property. All real property acquired by the City shall be held in the name of "The City of Oakland".

Section 1105. Public Notice. Except as otherwise provided in this Charter or by general law, the Council shall, by ordinance applying to all agencies of the City, designate the time and conditions under which adequate public notice should be given, through publication or otherwise, of the pending consideration of ordinances, invitations to bid, and awards of contracts or leases, notices of intention to grant franchise, election proceedings and other matters requiring public notice in accordance with this Charter, any ordinance enacted pursuant thereto or general state law. Publication, if required, shall be in an official newspaper designated annually by the Council, which shall be a newspaper printed and published in the City of Oakland and which shall have a daily circulation within the City of at least 25,000.

Section 1106. Oath of Office. Every officer of the City, before entering upon his duties, shall take the following oath and file the same with the City Clerk: "I solemnly swear or affirm that I will support the constitution of the United States, the constitution of the State of California, and the Charter of the City of Oakland, and will truly and to the best of my abilities perform the duties of the office of _____."

Section 1107. Oaths and Subpoenas. Every officer and every member of any Board provided for in this Charter shall, in all matters relevant to his office, have the power to administer oaths and affirmations and to issue subpoenas to compel the production of books, papers and documents and to take testimony on any matter pending before him. If any person subpoenaed fails or refuses to appear or to produce required documents or to testify, said officer or the majority of the members of the board or commission may find him in contempt, and shall have power to take the proceedings in that behalf provided by the general law of the State.

Section 1108. Violation. The violation of any provision of this Charter shall be deemed a misdemeanor and be punishable upon conviction in the manner provided by State Law.

Section 1109. Previous Charter Provisions Continued. Section 91(e) added by Stats. Feb. 1959, Sections 97(f),

33(1) through 33(10), 92½ through 96¾, 100½ through 104c, 199(d), all the sections of Article XXVI and all the sections of Article XXVII, as the same appeared in the Charter immediately prior to the adoption of this section, are by this reference hereby continued in full force and effect, and ratified, by the adoption of this section as if the same were herein printed and set forth in full. Said sections shall be printed in the appendix to this revised Charter and shall be renumbered therein as sections of said appendix. All sections and articles of the said Charter, as the same existed immediately prior to the adoption of this section, other than the hereinabove specified sections and articles thereof which are ratified and continued in full force and effect by the adoption of this section, are hereby repealed by the adoption of this section.

Section 1110. Construction and Separability. If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the remainder of the Charter and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 1111. Effective Date. This Charter shall take effect upon the filing with the Secretary of State of the concurrent resolution of its approval by the State Legislature.

And we further certify that we have compared the foregoing proposed and ratified new Charter of the City of Oakland with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Oakland to be affixed hereto this 4th day of December, 1968.

JOHN H. READING
(SEAL) Mayor of the City of Oakland
GLADYS H. MURPHY
City Clerk of the City of Oakland

and

WHEREAS, The said proposed new charter as ratified as hereinabove set forth has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said new Charter of the City of Oakland as proposed to, and adopted and ratified by the electors of the said city as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as the Charter of the said City of Oakland.

RESOLUTION CHAPTER 22

Assembly Joint Resolution No. 4—Relative to the issuing of a commemorative postage stamp and a presidential proclamation regarding Angelo Noce, "The Father of Columbus Day in America."

[Filed with Secretary of State January 29, 1969.]

WHEREAS, During his life, Angelo Noce gave unselfishly of his time to make Columbus Day a legal holiday; and

WHEREAS, Columbus Day was first officially proclaimed by Colorado Governor Jesse F. McDonald as a legal holiday in the State of Colorado; and

WHEREAS, Two years later in 1907 Colorado's Governor Henry A. Buchtel signed the Columbus Day Bill, inspired and written by Noce, into law making Columbus Day a state holiday; and

WHEREAS, Angelo Noce devoted most of his life to making Columbus Day a national holiday, and when he died in the year 1922 at the age of 74, 35 states had adopted his worthy proposal; and

WHEREAS, Angelo Noce should be known as the "Founder and Father of Columbus Day in America," and proper tribute should be given by the United States of America; and

WHEREAS, Angelo Noce contributed to the history and color of the State of California by working in the "Mother Lode" goldfields, attending school in Jackson, enrolling in the first class at St. Mary's College in 1863, studying printing and journalism at Santa Clara University, and working on the Amador Dispatch in Jackson; and

WHEREAS, Angelo Noce contributed greatly to the history and color of the State of Colorado by becoming deeply involved in politics and civic affairs in representing Denver's growing Italian-American community, as deputy county assessor. as constable, as deputy sheriff, as clerk in the Colorado House of Representatives, and as nominee in 1898 for a seat in the Legislature; and

WHEREAS, Angelo Noce also enjoyed renown as a prominent Fourth Degree Knight of Columbus, Catholic Lay Apostle, an outstanding citizen and patriot; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California recommend that the Post Office Department of the United States of America print a commemorative stamp honoring Angelo Noce as the "Founder and Father of Columbus Day"; and be it further

Resolved, That Richard M. Nixon, President of the United States of America, be requested to proclaim October 5 to October 12, 1969, Angelo Noce Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and the Postmaster General of the United States.

RESOLUTION CHAPTER 23

Assembly Concurrent Resolution No. 14—Relative to Industrial Safety Week.

[Filed with Secretary of State January 29, 1969]

WHEREAS, The strength of the economy of this state is based upon the men and women whose labors create the products of agriculture, business, and industry; and

WHEREAS, The continued growth of this, the largest state in the nation, its productivity and prosperity, depends upon the preservation of the health, safety and well-being of this labor force; and

WHEREAS, The Department of Industrial Relations and its Division of Industrial Safety will conduct the Governor's Industrial Safety Conference on February 6 and 7, 1969, wherein representatives of management, labor, and the public will meet to further advance California's outstanding performance in industrial safety achievements; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim the week of February 2 through 8 as Industrial Safety Week; and be it further

Resolved, That the members urge all citizens of California to recognize and follow good safety practices all this week and all the remaining weeks of the year; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and to the Department of Industrial Relations.

RESOLUTION CHAPTER 24

Senate Concurrent Resolution No. 12—Relative to commending Dr. Fred O. Butler.

[Filed with Secretary of State January 30, 1969.]

WHEREAS, It was with the most sincere sense of pleasure that the Members of the Legislature learned that Dr. Fred O. Butler will be honored at a recognition banquet at Sonoma State Hospital on January 31, 1969, for his service to California as Superintendent of Sonoma State Hospital; and

WHEREAS, Dr. Butler, who will celebrate his 90th birthday upon the occasion of the banquet, was born in Russiaville, Indiana, and, after pursuing a business college course, traveled

to New York and worked as a nurse at Bellevue Hospital in order to earn funds to pursue his medical education; and

WHEREAS, After graduating in 1912 from the Chicago College of Medicine and Surgery, he spent a year as an intern at a private hospital in Chicago before moving west to California in November 1913 and assuming the position of senior intern at Sonoma State Home, as the hospital was then known; and

WHEREAS, A little over a year later, Dr. Butler was promoted to assistant superintendent and, in March 1918, became superintendent of the institution, serving in that position for 31 years, the longest record of service of any superintendent of the hospital; and

WHEREAS, Upon his retirement in 1949, Dr. Butler became medical director of the Human Betterment Association, known today as the Association for Voluntary Sterilization, and traveled in that capacity throughout the United States promoting the program of the association, which urges voluntary sterilization of the mentally defective and mentally ill; and

WHEREAS, In the latter half of the 1950s he acted as a special consultant on surveys of facilities for the mentally retarded in Colorado, Idaho, and Wyoming and, at the request of the Governor of Colorado, made a three-year survey of that state, studying and developing master plans for its institutions for the mentally retarded; and

WHEREAS, Dr. Butler has been active in professional organizations throughout his long career, serving as past acting Director of the California State Department of Institutions, past President of the American Association on Mental Deficiency, past President of the Association of Western Hospitals, past President of the Northern California Council of Exceptional Children, past President of Northern California Mental Health Association, past Chairman of the Psychiatric Section of the California Medical Society, past President of the Sonoma County Mental Health Society, Organizer and First Chairman of the Western Region of the American Association on Mental Deficiency, Delegate to the Second International Congress of Mental Hygiene held in Paris, and past President of the Sonoma County Medical Society, and he is a Fellow in the American Psychiatric Association and the American Association on Mental Deficiency; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Dr. Fred O. Butler upon his long and distinguished career as Superintendent of Sonoma State Hospital in service to those less fortunate individuals who are mentally ill or defective, and extend their most sincere wishes to him for continued success in all his endeavors in the future; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Dr. Fred O. Butler.

RESOLUTION CHAPTER 25

Senate Concurrent Resolution No. 20—Relative to proclaiming Children's Dental Health Week.

[Filed with Secretary of State January 30, 1969.]

WHEREAS, The week of February 2nd through 8th marks the 21st anniversary of the annual observation of National Children's Dental Health Week, sponsored by dentists and dental societies in thousands of communities throughout the nation; and

WHEREAS, Observance of this week is designed to impress the importance of good dental health upon the nation's youth; and

WHEREAS, The 1969 theme is Join the "Smile-In"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of February 2nd through 8th as "Children's Dental Health Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 26

Assembly Concurrent Resolution No. 16—Relative to the creation of the Joint Committee on Teacher Licensing and Public School Employment.

[Filed with Secretary of State February 3, 1969.]

WHEREAS, The Joint Committee on Teacher Credentialing Practices was created by Resolution Chapter 176 (A.C.R. 94) of the Statutes of 1967, and continued in existence by Resolution Chapter 21 (A.C.R. 5) of the Statutes of 1968, with authority to file its final report not later than the fifth legislative day of the 1969 Regular Session; and

WHEREAS, The Joint Committee on Public School Employment was created by Resolution Chapter 266 (A.C.R. 169) of the Statutes of 1968, with authority to file its final report not later than March 31, 1969; and

WHEREAS, The Joint Committee on Public School Employment will file its final report not later than March 31, 1969, but in the interest of efficiency and completeness of study of the entire field of public school employment, including certificated employees and requirements for credentials, it is deemed wise that the two areas of study presently being reviewed by the two joint committees be combined for investigation by a new joint committee; and

WHEREAS, In order that the area of study of the new committee may be adequately reviewed and a meaningful report developed, the final report of the Joint Committee on Teacher Credentialing Practice shall be included in the final report to be filed by the newly created joint committee; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Teacher Licensing and Public School Employment is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the number of employees in public school employment, the ratio of nonteaching employees to teaching employees, as more fully set forth in Assembly Bill No. 1674 of the 1968 Regular Session, the present requirement for an academic major or nonacademic major (except education) for an elementary credential, the use of undergraduates as "aides" in elementary schools to partially fulfill practice teaching requirements, course-hour requirements for minor subjects for elementary and secondary (particularly vocational) teachers, the mechanics of teacher credentialing, and in particular the possibility of reducing the number of different types of credentials and of using teachers not fully credentialed in experimental programs, and including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Senate, appointed by the Committee on Rules thereof, and three Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the 31st day of January, 1970, with authority to file its final report not later than the fifth legislative day of the 1970 Regular Session.

4. The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of twenty-five thousand dollars ($25,000) plus any unencumbered and unexpended amounts allocated to the Joint Committee on Teacher Credentialing Practices created by Resolution Chapter 176 (A.C.R. 94) of the Statutes of 1967 and continued in existence by Resolution Chapter 21 (A.C.R. 5) of the Statutes of 1968 and to the Joint Committee on Public School Employment created by Resolution Chapter 266 (A.C.R. 169) of the Statutes of 1968 or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 27

Assembly Concurrent Resolution No. 24—Approving certain amendments to the Charter of the City of Bakersfield, County of Kern, State of California, voted for and ratified by the electors of said City of Bakersfield at an election held therein on the fifth day of November, 1968.

[Filed with Secretary of State February 3, 1969]

WHEREAS, The City of Bakersfield, in the County of Kern, State of California, has at all times mentioned herein been and now is a municipal corporation of the State of California, containing a population of seventy-one thousand, one hundred six inhabitants as ascertained by the last preceding census taken under the authority of the Legislature of California, and is

now and has been ever since the twenty-third day of January, 1915, organized and existing under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at an election held for that purpose on the 7th day of November, 1914, and approved by the Legislature of the State of California in January, 1915; and filed with the Secretary of State on January 23, 1915; and

WHEREAS, On the 3rd day of September, 1968, the legislative body of the City of Bakersfield, to wit: the City Council, on its own motion passed a resolution to submit to the electors of said city, at a special election to be held November 5, 1968, certain proposed amendments to the City Charter of the City of Bakersfield, on said date, the City Council of the City of Bakersfield duly and regularly called a special election for the purpose of voting on said proposed amendments, to be held on the 5th day of November, 1968, which said date was fixed by the said City Council of the City of Bakersfield as the time for voting on said amendments as proposed, and which said election was consolidated with the State General Election held within said City on said date, and

WHEREAS, Said proposed amendments were published on the 10th and 16th days of September, 1968, in each edition of The Bakersfield Californian, a newspaper of general circulation printed and published in the City of Bakersfield, and having a general circulation therein, the said paper being the official newspaper of the City of Bakersfield, and said publication was made at the time and in the manner prescribed in Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, On the 10th day of October, 1968, the City Clerk of the City of Bakersfield caused to have copies of said proposed charter amendments printed in a one-sheet pamphlet form; subsequently from October 19, 1968 through October 21, 1968, the County Clerk of the County of Kern had a copy of the one-sheet pamphlet setting forth said proposed charter amendments mailed to all the qualified electors of the City of Bakersfield in the form of and in the manner provided by Section 8 of Article XI of the Constitution of the State of California; and

WHEREAS, Said special election was duly and regularly held on the 5th day of November, 1968, which said date of the election was not less than forty nor more than sixty days after the completion of the advertising in said official newspaper of said proposed amendments, and at said special election the said proposed amendments to said Charter were voted upon by the qualified electors of the City of Bakersfield, and at said special election a majority of the qualified electors voting thereon voted in favor of ratifying and did ratify said proposed amendments to said Charter.

That the Charter of the City of Bakersfield be amended as follows:

Proposition No. 1

That Section 66 of the Charter of the City of Bakersfield be amended to read as follows:

Mode of Election

Section 66. The mode of nomination and election of all elective officers of the city shall be as provided in this article.

That Section 145 of the Charter of the City of Bakersfield be amended to read as follows:

Membership

Section 145. The Board of Education shall consist of five (5) members. Thereafter members of the Board of Education shall be elected at the election to be held each odd-numbered year. Members of the Board of Education shall be elected by all qualified registered electors of the City of Bakersfield and that portion of the Bakersfield School District outside of said city. Arrangements shall be made so that registered qualified electors residing within the limits of the Bakersfield School District and without the limits of the City of Bakersfield may vote for such members of the Board of Education at such election.

That Section 147 of the Charter of the City of Bakersfield be amended to read as follows:

Term of Office

Section 147. The members of the Board of Education first elected under this charter shall, at their first meeting, so classify themselves by lot, that two shall serve for two years and three for four years.

That Section 150 of the Charter of the City of Bakersfield be amended to read as follows:

Meetings

Section 150. The Board of Education shall meet at such times as may be designated by resolution of said board.

That Section 153 of the Charter of the City of Bakersfield be amended to read as follows:

Meetings to be Public

Section 153. All meetings of the Board of Education shall be public, except as otherwise provided in the Government and Education Codes.

That Sections 146 and 156 of the Charter of the City of Bakersfield be repealed.

Proposition No. 2

That Sections 165, 166, 167, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 182½, 201, 203, 204 and 238 of the Charter of the City of Bakersfield be repealed.

and

WHEREAS, The Council of the City of Bakersfield, County of Kern, State of California, in accordance with the law in such cases made and provided, did meet at its usual place of

meeting, at the time and in the manner provided by law, and duly canvassed the returns of said election as certified by the Election Boards, and duly found, determined and declared that the majority of the qualified electors of said city voting thereon had voted in favor of, and ratified said amendments to the Charter of the City of Bakersfield as hereinabove last set forth, and alleged to have been so ratified; and

WHEREAS, That the foregoing is true as shown by the certificate of R. V. Karlen, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of said City, whose certificate is in words and figures as follows, to wit:

State of California }
County of Kern } ss.
City of Bakersfield }

This is to certify that we, R. V. Karlen, Mayor of the City of Bakersfield, and Marian S. Irvin, Clerk of the City of Bakersfield, have compared the foregoing proposed and ratified amendments to the Charter of the City of Bakersfield with the original proposed amendments submitted to the qualified electors of the said City of Bakersfield at an election held within the City of Bakersfield on November 5, 1968, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and the matters set forth therein are and each of them is true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Bakersfield to be attached this 31st day of December, 1968.

(SEAL)

R. V. KARLEN
Mayor of the City of Bakersfield
MARIAN S. IRVIN
Clerk of the City of Bakersfield

State of California, }
County of Kern } ss.

I, Marian S. Irvin, City Clerk of the City of Bakersfield, State of California, hereby certify the foregoing and annexed to be a full, true and correct copy of the original Concurrent Resolution approving certain amendments to the Charter of the City of Bakersfield, County of Kern, State of California. on file in this office and that I have compared the same with the original.

Witness my hand and seal this 17th day of January, 1969.

(SEAL)

MARIAN S. IRVIN
City Clerk
By VIVIAN B. STINER
Deputy Clerk

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Bakersfield, County of Kern, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Bakersfield, County of Kern.

RESOLUTION CHAPTER 28

Assembly Concurrent Resolution No. 27—Relative to the death of Melvin J. Bareilles.

[Filed with Secretary of State February 3, 1969]

WHEREAS, The Members of the Assembly have learned with deep sorrow of the untimely death of Melvin J. Bareilles, Humboldt County Supervisor; and

WHEREAS, Melvin J Bareilles was a native of Oakland and graduated from University High and later from St. Mary's College, where he was baseball captain and varsity catcher; and

WHEREAS, He came to Scotia, California and became a valued employee of the Pacific Lumber Company, remaining there until 1952, when he opened his own accounting office in which capacity he did accounting and the handling of income tax returns for hundreds of people in the area; and

WHEREAS, He was deeply committed to public service winning the 1956 election for Humboldt County Supervisor and was reelected in 1960, 1964 and 1968 by the citizens of Humboldt County who recognized his undisputed leadership qualities; and

WHEREAS, He was an enthusiastic participant in civic affairs, being a founding director and a vice president of Eel River Association, chairman of the Redwood Empire Association and North Coast Supervisors' Unit, a member of the Fortuna and Rio Dell Chambers of Commerce, and the annual Fortuna Rodeo; and

WHEREAS, He is survived by his widow, Mary Biasca Bareilles, his three fine sons, Jack, Kenneth and Paul; and his two lovely daughters, Monica and Angela; therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby express their deep sorrow at the death of Melvin J. Bareilles, who will long be remembered for the important contributions he made to Humboldt County, and hereby convey their deepest sympathy to his widow and family; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mrs. Mary Biasca Bareilles.

RESOLUTION CHAPTER 29

Senate Concurrent Resolution No. 24—Approving a certain amendment to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the statewide general election held therein on November 5, 1968.

[Filed with Secretary of State February 3, 1969]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of the amendment hereinafter set forth to the Charter of the City of Mountain View, a municipal corporation in the County of Santa Clara, State of California, as set out in the certificate of the mayor and the city clerk of said city as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF MOUNTAIN VIEW OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF MOUNTAIN VIEW

State of California
County of Santa Clara } ss
City of Mountain View

We, the undersigned, William R. Jelavich, Mayor of the City of Mountain View, and Jean Hixson, City Clerk of the City of Mountain View, do hereby certify and declare as follows:

That the City of Mountain View, a municipal corporation, in the County of Santa Clara, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and ever since the sixth day of March, 1952, has been and is now organized, existing and acting under a Freeholders Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by qualified electors of said City of Mountain View at an election held for that purpose on the 15th day of January, 1952, and approved by the Legislature of the State

of California by Concurrent Resolution No. 3, on March 5, 1952, and filed with the Secretary of State on March 6, 1952.

That in accordance with the provisions of Section 8 of said Article XI of the Constitution of the State of California, the City Council of the City of Mountain View by its Resolution No. 8000, adopted on the 26th day of August, 1968, duly and regularly submitted to the qualified electors of said City of Mountain View a certain proposal to amend the Charter of the City of Mountain View and to be voted upon by said qualified electors at a special municipal charter amendment election by said resolution called for said purpose in said City on the 5th day of November, 1968, and consolidated with the Statewide General Election to be held in said City of Mountain View on said 5th day of November, 1968.

That said proposal was published and advertised, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 16th day of September, 1968, in the Sunnyvale Daily Standard-Mountain View Register Leader, the official newspaper of the City of Mountain View, and in each edition thereof during said day of publication.

That said special municipal charter amendment election consolidated with the Statewide General Election of the City of Mountain View was duly called, held and conducted in the time, form and manner required by the Charter of said City and by law on said 5th day of November, 1968, which day was not less than forty (40) days and not more than sixty (60) days after the completion of said publication and advertisement of said proposal in said Sunnyvale Daily Standard-Mountain View Register Leader.

That pursuant to the provisions of Section 22932.5 of the Elections Code of the State of California, the City Council of the City of Mountain View did, on the 26th day of August, 1968, duly pass and adopt that portion of Section 5 of said Resolution No. 8000, ordering the canvass of said special municipal election to be made by the Board of Supervisors of the County of Santa Clara, State of California.

That said Board of Supervisors did, in the manner provided by law, duly and regularly canvass the returns of said special municipal election consolidated with the Statewide General Election of the City of Mountain View, as aforesaid, and certify the results thereof to the Council of said City of Mountain View.

That the Council of the City of Mountain View did, by Resolution No. 8144, duly passed and adopted on January 13, 1969, duly find and declare that a majority of the qualified electors voting on said proposed charter amendment, voted in favor of same and said proposal to amend the Charter of said City was ratified.

That said charter amendment so ratified by the majority of the qualified electors of said City voting at said special municipal charter amendment election is in words and figures following, to wit:

By amending Section 500 of the Charter of the City of Mountain View to read as follows:

"Except as otherwise provided in this Charter the members of the Council shall hold office for a term of four (4) years from and after the first Tuesday following their election and continuing until their respective successors qualify. Ties among candidates for any office shall be settled by the drawing of lots."

and we, and each of us further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Mountain View with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct copy of said amendment.

The foregoing proposed and ratified amendment to the Charter of the City of Mountain View is hereby submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California. As to said amendment, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the Seal of the City of Mountain View to be affixed hereto this 16 day of January, 1969.

WILLIAM R. JELAVICH
(SEAL) Mayor of the City of Mountain View
JEAN HIXSON
City Clerk of the City of Mountain View

Now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Mountain View as presented to and adopted and ratified by the electors of the said city and as hereinabove fully set forth, be and the same is hereby approved as a whole, without amendment, or alteration, for and as an amendment to, and as a part of, the Charter of the said City of Mountain View.

RESOLUTION CHAPTER 30

Senate Concurrent Resolution No. 26—Relative to congratulating the Monterey Park Progress.

[Filed with Secretary of State February 3, 1969]

WHEREAS, The Legislature has learned that the Monterey Park Progress is celebrating its 50th year of publication, which have been five decades of outstanding excellence in this field of communication; and

WHEREAS, Under the dynamic leadership of its publisher, Eli Isenberg, who has held this position for over 20 years, the Monterey Park Progress has not only won three awards for editorial excellence but has grown in influence and prosperity; and

WHEREAS, It is the first community newspaper in California to have a complete editorial page, and in 1957 the Progress' editorial page was adjudged by the California Newspaper Publishers' Association as the best editorial page in California; and

WHEREAS, It has always devoted serious and concerned attention to the issues affecting its community with well-written news stories and incisive editorial comment; and

WHEREAS, Its political independence, supporting the most able and qualified candidates regardless of party affiliation, has earned the Progress the respect and admiration of the citizens of Monterey Park; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly concurring, That the members congratulate the Monterey Park Progress for 50 years of publication, and commend it for the distinguished service it has rendered to its community, and wish it many more years of outstanding achievements in the newspaper industry; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Monterey Park Progress and Eli Isenberg.

RESOLUTION CHAPTER 31

Assembly Concurrent Resolution No. 19—Approving an amendment to the Charter of the City of Inglewood, County of Los Angeles, State of California, ratified by the qualified electors of the city at an election held therein on the fifth day of November, 1968.

[Filed with Secretary of State February 6, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Inglewood, a municipal corporation

in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF ELECTORS OF THE CITY OF INGLEWOOD OF A CERTAIN CHARTER AMENDMENT.

State of California
County of Los Angeles } ss.
City of Inglewood

We, the undersigned, William Goedike, Mayor of the City of Inglewood, County of Los Angeles, State of California, and Helen Rieck, City Clerk of said City, do hereby declare and certify as follows:

That the City of Inglewood, a municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned during the year 1968, was a city having a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and has been ever since the year 1927, and now is, organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at a special municipal election held for that purpose on the 14th day of December, 1926, and approved by the Legislature of the State of California on the 27th day of January, 1927 (Statutes and Amendments of 1927, p. 2205).

That the City Council of the City of Inglewood, being the legislative body of said city, on its own motion, by its Resolution No. 5857, adopted July 30, 1968, duly and regularly proposed and submitted to the qualified electors of the City of Inglewood a certain proposition for a certain amendment to the Charter of the City of Inglewood at a special election consolidated with the General Election called and held for that purpose in said City on the 5th day of November, 1968.

That pursuant to the aforesaid resolution of the City Council of the City of Inglewood, the proposed charter amendment was published and advertised.

That under and pursuant to proceedings duly and regularly taken in the manner provided by law, the City Council of the City of Inglewood consolidated said special election with the General Election held in said City of Inglewood on the 5th day of November, 1968.

That in accordance with the provisions of the Charter of the City of Inglewood and in the manner provided by law, the said consolidated election was duly and regularly held in said City, after due notice given and published.

That thereafter the Council of the City of Inglewood did, in the manner provided by law, duly and regularly canvass the returns of said consolidated election and did adopt its resolution declaring the results of the canvass and declaring the results of the returns of said election.

That said Council of said City did by said resolution find, determine and declare that a certain proposed amendment to the Charter of the City of Inglewood and hereinafter set forth was ratified by a majority vote of the electors of said City voting thereon.

That as to the proceedings taken relating to the amendment to the Charter of the City of Inglewood hereinafter set forth, the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of the State of California applicable thereto, have been substantially complied with.

That said amendment to the Charter of the City of Inglewood, so ratified by the electors of said City, is as follows:

Charter Amendment No. 1

Subsection Fiftieth of Section 4 of Article III of the Charter of the City of Inglewood hereby is amended so that the same shall be and read as follows:

"Fiftieth: To provide at the beginning of the fiscal year hereafter an emergency fund of fifteen hundred dollars, which may be used or expended at the sole instance and direction of the mayor, to be paid out from time to time upon his itemized demands, for any purpose or emergency connected with the affairs of his office or of said city, and to reimburse said executive for any reasonable expenditures made by him in the discharge of his duties, such as the entertainment of visitors and officials to the said city, stenographic fees, the investigation of conditions which in the opinion of said official require investigation thereon, and the securing of any other service or thing required by said official in or about the duties of his office. At the beginning of each succeeding fiscal year thereafter said fund shall be replenished to the full extent of any withdrawals made therefrom during the preceding fiscal year and such respective succeeding funds shall be subject to the use or expenditure of the mayor as provided for in the case of said first fund."

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Inglewood with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true and correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Inglewood to be affixed this 17th day of December, 1968.

(SEAL)

WILLIAM GOEDIKE
Mayor of the City of Inglewood, California
HELEN RIECK
City Clerk of the City of Inglewood, California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Inglewood, County of Los Angeles, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of the City of Inglewood, County of Los Angeles.

RESOLUTION CHAPTER 32

Assembly Concurrent Resolution No. 33—Relative to proclaiming the week of February 9th to 15th "Beauty Salon Week."

[Filed with Secretary of State February 10, 1969]

WHEREAS, The professional hairdressers and cosmetologists of our great state have given generously of their time and talents to maintain beauty care of the highest standards and to enhance the beauty of the women of our state; and

WHEREAS, The National Hairdressers and Cosmetologists Association will observe its 19th Annual National Beauty Salon Week during the week of February 9th to 15th, 1969, to salute the contributions of the profession of cosmetology; and

WHEREAS, More than 70,000 members of this national professional association are conducting public service programs in our great state, and throughout the nation, to bring professional beauty care to less fortunate women confined to homes for the aged, hospitals, and other institutions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to proclaim the week of February 9th to 15th, 1969, "Beauty Salon Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 33

Assembly Concurrent Resolution No. 5—Relative to the selection of the Legislative Counsel of California.

[Filed with Secretary of State February 13, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That pursuant to Section 10201 of the Government Code, George H. Murphy is selected Legislative Counsel of California.

RESOLUTION CHAPTER 34

Assembly Concurrent Resolution No. 20—Relative to proclaiming the week of February 16–22, 1969, as National Engineers' Week.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, National Engineers' Week is observed by professional engineering societies throughout the United States during the week of Washington's Birthday; and

WHEREAS, It is recognized by all that modern civilization has greatly benefited through the application of scientific principles by engineers; and

WHEREAS, Problems, such as environmental pollution, water resources, methods of transportation, water desalinization, information and data handling, air, soil, and water wastes, have all been greatly reduced due to the efforts of professional engineers; and

WHEREAS, California engineers have been responsible for major achievements in the field of public works, structural safety of public and commercial buildings, designing and construction of transportation facilities, sanitary facilities, waterworks, communications, and earth and moon orbital explorations; and

WHEREAS, Much of California's success as the leader among the states is due to her recognition as a world center for engineering capabilities; and

WHEREAS, California's continued economic and industrial growth and development is due, in large measure, to the efforts and skills of her engineering community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to issue a proclamation designating the week of February 16th to 22nd as "National Engineers' Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 35

Assembly Concurrent Resolution No. 42—Relative to Edison Science Youth Day.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, The inventive genius of Thomas Alva Edison has immeasurably advanced the frontiers of American science and the welfare of all mankind, and, by creating industries employing millions of people, has added greatly to the technology upon which America's preeminence largely rests; and

WHEREAS, The state of the world reveals that this nation needs to maintain a strong scientific position; and

WHEREAS, In this age of limitless scientific horizons, our country's need for men inspired by the example of Edison has never been more urgent; and

WHEREAS, The motivation of more young Americans toward careers in science, and the removal of barriers to careers in scientific fields, are vital in meeting this need for scientific manpower; and

WHEREAS, February 11, 1969, marks the 122nd anniversary of the birth of Thomas Alva Edison; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Governor to proclaim February 11, 1969, as Edison Science Youth Day; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy to Walker L. Cisler.

RESOLUTION CHAPTER 36

Senate Concurrent Resolution No. 19—Relative to the passing of Floyd P. Bailey.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, The Members of the Legislature have learned with deep regret of the death of Floyd P. Bailey, president emeritus of Santa Rosa Junior College and a founding dean of the college; and

WHEREAS, Floyd P. Bailey attended Healdsburg High School, received a bachelor of science degree from the University of California in 1913 and earned a master of science degree from the University of California in 1919; and

WHEREAS, Floyd P. Bailey began his career at Santa Rosa Junior College as a physics instructor in 1919 and assumed the position of dean of the college in 1921. He became the first president of the junior college in 1934 when the chief administrative office was changed from dean to president; and

WHEREAS, The Floyd P. Bailey story is the history of Santa

Rosa Junior College. When he first assumed executive leadership of the college, the junior college was an extension of the high school. Under his guidance, a permanent home was established and the first college building, Pioneer Hall, was completed on May 18, 1931. He was a strong advocate of a vigorous building program but he never allowed the beauty of the campus to be disturbed; and

WHEREAS, Floyd P. Bailey was an inspiration to students and faculty alike. He gave wise counsel in a friendly manner to those who sought his advice. He was deeply interested in students and their problems; and

WHEREAS, Floyd P. Bailey took an active interest in community affairs being a member of the Presbyterian Church of the Roses, Santa Rosa Kiwanis Club, Santa Rosa Consistory of Scottish Rite Bodies, Santa Rosa High-12 Club, Santa Rosa Lodge 57, F & AM, and the University of California Alumni Association; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their sincere condolences and sympathy to the family of Floyd P. Bailey; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to his widow, Marie.

RESOLUTION CHAPTER 37

Senate Concurrent Resolution No. 21—Approving an amendment to the Charter of the City of Albany, a municipal corporation in the County of Alameda, State of California, ratified by the qualified electors of the city at an election held therein on the fifth day of November, 1968.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of an amendment to the Charter of the City of Albany, a municipal corporation of the County of Alameda, State of California, as hereinafter set forth in the certificate of the mayor and acting city clerk of the city as follows:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF ALBANY AT A SPECIAL MUNICIPAL ELECTION HELD ON THE FIFTH DAY OF NOVEMBER, ONE THOUSAND NINE HUNDRED AND SIXTY-EIGHT, OF A CERTAIN AMENDMENT TO THE CHARTER OF ALBANY, STATE OF CALIFORNIA.

State of California }
County of Alameda } ss.
City of Albany }

We, Richard O. Clark, Mayor of the City of Albany, and Bette C. Rhodes, Acting City Clerk of the City of Albany, do hereby certify as follows:

That said City of Albany, in the County of Alameda, State of California, is now and was at all times herein mentioned, a city containing more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Albany is now and was at all times herein mentioned, organized and existing under a Charter adopted under the provisions of Section 8, of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the 26th day of March, 1927, and approved by the Legislature of the State of California (Statutes 1927, Chapter 53, Page 2312) and by Resolution of said Legislature filed with the Secretary of State of the State of California on the 19th day of April, 1927 (Statutes 1927, Chapter 53, Page 2312); and

Pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of said City, did on its own motion and pursuant to the provisions of Section 8, of Article XI of the Constitution of the State of California, duly propose to the electors of said City of Albany a certain amendment to the Charter of said City, and ordered that said amendment be submitted to said electors of said City at a special municipal election to be held in said City on the 5th day of November, 1968; and

That said proposed amendment was, on the 18th and 25th days of September, 1968, duly published in the "Albany Times", a newspaper of general circulation, published in the City of Albany, and the official newspaper designated by said City Council for that purpose, and in each edition thereof; and

That said City Council did by Resolution designated as Resolution No. 68-55, which was duly adopted on the 12th day of August, 1968, call for and give special notice of a special municipal election in the City of Albany on the 5th day of November, 1968, which date was more than 40 days and less than 60 days after the completion of the publication of the said proposed amendment to the Charter of the City of Albany as aforesaid; and

That said special municipal election was held in said City on the 5th day of November, 1968, which date was more than 40 days and less than 60 days after said proposed amendment to said Charter had been published in said "Albany Times" as aforesaid; and

That at said special municipal election held as aforesaid, on the 5th day of November, 1968, a majority of the voters voted

in favor of the proposed amendment, as hereinafter set forth, to the Charter of the City of Albany, and duly ratified the same; and

That the Board of Supervisors of the County of Alameda, after duly canvassing the returns of said special municipal election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the qualified voters voted thereon, and voted in favor of and ratified said proposed amendment to the Charter of the City of Albany, which said amendment is in words and figures as follows:

Proposed Charter Amendment No. 1

That Section 38, paragraph (g) of the Charter of the City of Albany be amended in the following particulars:

That the following words of said paragraph (g) shall be deleted:

"The City Council shall include in and apportion from the annual tax levy the sum of not less than Thirty-five Cents of each One Hundred Dollars of assessed valuation to be paid into the school fund of the City."

The foregoing is a full, true and correct copy of said proposed amendment to the Charter of the City of Albany ratified by the electors of said City as aforesaid, on file in the Office of the City Clerk of said City of Albany.

In witness whereof, Richard O. Clark, Mayor as aforesaid, and Bette C. Rhodes, Acting City Clerk as aforesaid, have hereunto set their hands and caused the Seal of the City of Albany to be hereunto duly affixed on this 9th day of December, 1968.

(SEAL)

RICHARD O. CLARK
Mayor of the City of Albany
BETTE C. RHODES
Acting City Clerk of the
City of Albany

Prepared and approved by:
LAWRENCE D. SALER
City Attorney of the City of Albany

WHEREAS, The proposed charter amendment as ratified as hereinabove set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Albany, as proposed to and adopted and ratified by the electors of the

city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as a part of the Charter of the City of Albany.

RESOLUTION CHAPTER 38

Senate Concurrent Resolution No. 23—Relative to Elks National Youth Week.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, The Benevolent and Protective Order of Elks will honor the junior citizens of our country with the proclamation of "Elks National Youth Week" on May 1, 1969; and

WHEREAS, The California Elks Association is made up of 164 lodges in California and three in Hawaii which are sponsoring programs to help the young people of their communities; and

WHEREAS, It is only fitting and proper that the Legislature note and encourage the worthwhile efforts of all citizens and service organizations on behalf of our youth; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend the members of the Benevolent and Protective Order of Elks upon their sponsorship of "Elks National Youth Week"; and be it further

Resolved, That the Governor of California is hereby requested to proclaim the week beginning with May 1, 1969, "Elks National Youth Week" in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 39

Senate Concurrent Resolution No. 29—Relative to the observance of California Congressional Cup Week.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, It has come to the attention of the Members of the Senate and Assembly that the fifth annual Congressional Cup sailboat race will be held in the coastal waters off the shores of Long Beach from March 13 through March 16, 1969; and

WHEREAS, The Congressional Cup has been recognized by the Congress of the United States, has gained national and international recognition, and has played a leading role in putting California in the forefront in respect to water sports generally and sailboat racing in particular; and

WHEREAS, In view of the present stature of the Congressional Cup, it is fitting and proper that its holding be officially noted and observed; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is respectfully requested to proclaim the week beginning with March 9, 1969, as "California Congressional Cup Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 40

Senate Concurrent Resolution No. 45—Relative to proclaiming the week of February 16–22, 1969, as Week of Family Prayer.

[Filed with Secretary of State February 13, 1969.]

WHEREAS, The home and the family have long been recognized as the most vital factors in assuring a stable society dedicated to principles which will provide for the optimum of freedom, peace, and personal opportunity for growth and development; and

WHEREAS, It is well recognized that within the home, the mother is the most vital influence in building the character and the attitudes of the children who, as the product of the home and the family, become the members of our ever more complex and dynamic society; and

WHEREAS, Recent developments in our country have indicated that a serious downward spiral of moral values is taking place, the net effect of which is to bring to pass a frightening increase in the incidence of crime and violence, a larger percentage of children being born illegitimately, and the very serious increase in the number of marriages being ended in the divorce courts; and

WHEREAS, Now, more than ever before in our nation's history, the preservation of our freedoms, the enhancement of our country's heritage, and the fulfillment of its manifest destiny as a citadel of freedom and the hope of a world torn with fear and strife demand that the American family be sustained in its mission to bring stability and harmony to our society through homes filled with love and dedication to freedom, truth, and the sustaining of the law; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of February 16–22, 1969, as a "Week of Family Prayer," dedicated to strengthening the family and particularly honoring the mother in the home to

the extent that all families throughout the State of California may rededicate themselves to building a society which will truly represent the finest potentials for human fulfillment that man can achieve; and be it further

Resolved, That a copy of this resolution be transmitted to Governor Reagan.

RESOLUTION CHAPTER 41

Assembly Concurrent Resolution No. 40—Relative to American Music Month.

[Filed with Secretary of State February 14, 1969.]

WHEREAS, The United States of America has a rich and varied musical history; and

WHEREAS, The talents and backgrounds of many different persons and cultures have formed the basis for a tradition of both creative composition and excellence in performance; and

WHEREAS, It is well to recognize this tradition and to encourage American composers and performers in the producing and presenting of our native music; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to issue a proclamation designating the month of February as "American Music Month"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 42

Senate Concurrent Resolution No. 51—Relative to Easter Seal Month in California.

[Filed with Secretary of State February 20, 1969.]

WHEREAS, The Easter Seal Society for Crippled Children and Adults of California has during the past 42 years exerted outstanding voluntary leadership to establish programs and services to meet the special needs of physically handicapped persons in this state; and

WHEREAS, Striving to help disabled persons attain maximum physical improvement and emotional maturity and to secure education, training, and employment opportunities consistent with their abilities, the Society has saved countless Californians from living lives of physical and economic dependency; and

WHEREAS, Through a statewide network of community-based programs operated by 49 local affiliated Easter Seal organizations, more than 25,500 crippled children and adults last year received needed aid; and

WHEREAS, The voluntary support of California's private citizens is essential to the society's continuing ability to meet its noble goals; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the period between March 1 and April 6, 1969, as Easter Seal Month in California, and that the people of this state be urged to give generous support to the 1969 Easter Seal campaign conducted during this period; and be it further

Resolved, That the Legislature honor the occasion of the visit by Manuel Gomez, Jr., of Hemet, California, "1969 California Easter Seal Child," whose courage and achievements in surmounting a severe crippling condition, with the aid of treatment provided by public and private agencies including the Easter Seal Society for Crippled Children and Adults of Riverside and Imperial Counties, lend hope to the aspirations of crippled children everywhere; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Manuel Gomez, Jr., to the Easter Seal Society for Crippled Children and Adults of Riverside and Imperial Counties, and to the Easter Seal Society for Crippled Children and Adults of California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 43

Assembly Concurrent Resolution No. 44—Relative to proclaiming the week of March 16–22, 1969, as DeMolay Week.

[Filed with Secretary of State February 25, 1969.]

WHEREAS, The Order of DeMolay is the largest fraternal organization in the world for young men between the ages of 14 and 21 years and has over 150,000 members in its chapters in the United States and 13 foreign countries; and

WHEREAS, Founded in Kansas City, Missouri, on March 18, 1919, by the late Frank Sherman Land, affectionately known as "Dad" Land to all the members of the order, the Order of DeMolay started with a group of nine high school boys and has grown and prospered so that today over 3,000,000 young men have passed through its portals and knelt at its altar; and

WHEREAS, The presence in California of 280 chapters of the Order of DeMolay with their 20,000 members and over 1,500 Master Masons serving as advisers has benefited the youth of this great state by providing an opportunity to participate in the fine work of the order; and

WHEREAS, With the activities of the Order of DeMolay ranging from community service projects to social affairs and

athletics, the ideals and aspirations of the order are best stated by Charles G. Dawes when he said, "The teachings of the Order of DeMolay . . . love of parents, love of God, patriotism, purity, courtesy, comradeship and fidelity . . . are those which not only develop the best in youth, but insure the best in man"; and

WHEREAS, The year 1969 will mark the 50th anniversary of the Order of DeMolay and will witness a multitude of celebrations of this golden anniversary, all carried on under the theme "50 Years of Young Men on the Go"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the Order of DeMolay for the opportunity it has presented to the youth of the State of California, the United States, and the world to practice good citizenship and serve their communities, and wish the order continued success in inculcating the youth of the world with the virtues of good citizenship which transcend all the ages; and be it further

Resolved, That the members request the Governor to proclaim the week of March 16–22, 1969, as DeMolay Week in recognition of the 50 years of outstanding and distinguished service of the Order of DeMolay to the youth of California and the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to The International Supreme Council, Order of DeMolay, and each chapter of the Order of DeMolay in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 44

Assembly Concurrent Resolution No. 60—Approving amendments to the Charter of the City of San Bernardino, County of San Bernardino, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of February, 1969.

[Filed with Secretary of State February 25, 1969.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of amendments, hereinafter set forth, to the Charter of the City of San Bernardino, a municipal corporation situated in the County of San Bernardino, State of California, as set out in the certificates of the mayor and city clerk of said city as follows, to wit:

State of California }
County of San Bernardino } ss
City of San Bernardino }

We, the undersigned, Al C. Ballard, Mayor of the City of San Bernardino, State of California, and Jack T. Felton, City Clerk of said City, do hereby certify and declare as follows:

The City of San Bernardino, in the County of San Bernardino, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a Charter duly adopted and approved under and by virtue of Section 8, Article XI of the Constitution of the State of California, containing a population of over fifty thousand inhabitants.

The legislative body of said City on its own motion submitted to the electors of said City, at a Primary Municipal Election held within said city on the 4th day of February, 1969, certain proposed amendments to the City Charter of said City.

Said proposed amendments were published in The San Bernardino Evening Telegram, being a newspaper of general circulation printed and published in said City and having a general circulation therein, and being an official newspaper of said City, on the 20th day of December, 1968, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California,

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City and, until the day fixed for said election, advertised in The San Bernardino Evening Telegram, being a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 4th day of February, 1969, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to, and duly ratified by, the said qualified voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with.

Said amendments are as follows:

Article III, Section 33 of the Charter of the City of San Bernardino is amended to read as follows:

Section 33. Within fifteen (15) days after its passage, the City Clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and

circulated in the City, or if there is none, or if the charge therefor exceeds the customary rate charged by the newspaper for publication of private legal notices, he shall cause it to be posted in at least three (3) public places in the City. Except as otherwise provided in this Charter, an ordinance shall not take effect or be valid unless it is published or posted in substantially the manner and at the time required herein.

Article VIII, Section 135 of the Charter of the City of San Bernardino is amended to read as follows:

Section 135. Demands against the City, except those relating to bonds, or payable from funds not controlled by the Mayor and Common Council, or those otherwise exempted by law, for which appropriations have been made or authorization given in accordance with the Charter, before being paid, shall be presented for approval to the Director of Finance or other authorized officer, who shall present a register of approved demands to the Mayor and Common Council for approval prior to their payment. Demands for which no appropriations have been made or authorization given shall be presented by the City Administrator, or other authorized officer, with his recommendations to the Mayor and Common Council for approval or disapproval.

Any person dissatisfied with the refusal to approve any demand, in whole or in part, may present the same to the Mayor and Common Council which after examining into the matter may approve or disapprove the demand in whole or in part. The Director of Finance or other authorized officer shall prepare warrants for all such approved demands, which shall be signed by the Mayor and countersigned by the City Clerk.

Every demand against the City Treasury which may have been incurred or authorized by the Board of Water Commissioners or the Board of Trustees of the Free Public Library shall be presented to the board incurring or authorizing the indebtedness, which shall approve or disapprove the same. At least a majority vote of all the members of any board or commission shall be necessary to approve any demand. Each demand when so approved shall be paid by a warrant on the City Treasury payable out of the proper fund and signed by the president and secretary of the board which shall have approved the same.

Article IV, Section 60 of the Charter of the City of San Bernardino is amended to read as follows:

Section 60. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records and other documents belonging to his office, attend all meetings of the Mayor and Common Council and keep a journal of the proceedings. He shall have full power and authority to take all affidavits and administer all oaths necessary in the transaction of city business, but shall make no charge therefor. His official books and records shall be kept properly indexed and be open to public inspection during office hours. He shall number and

keep a record of all demands allowed and certified to him, showing the date of approval, to whom the same is allowed, the nature of the claim, and the fund out of which the same is payable. He shall issue all licenses and countersign all warrants on the City Treasury, except warrants of the boards, and shall do and perform all other acts required of him by this Charter, or by ordinance, or which may be required of him by the Mayor and Common Council.

Article VIII, Section 136 of the Charter of the City of San Bernardino is repealed.

Article VIII, Section 137 of the Charter of the City of San Bernardino is repealed.

Article VIII, Section 138 of the Charter of the City of San Bernardino is repealed.

Article XIII, Section 236 of the Charter of the City of San Bernardino is repealed.

Article XIII, Section 237 of the Charter of the City of San Bernardino is repealed.

Article XII-A, Section 213 of the Charter of the City of San Bernardino is amended to read as follows:

Section 213. There is hereby created a Park and Recreation Commission consisting of nine (9) members, whose terms of office shall be four years.

Article XII-A, Section 214 of the Charter of the City of San Bernardino is amended to read as follows:

Section 214. Each Councilman shall appoint one commissioner whose term shall coincide with that of the appointing Councilman and the Mayor shall appoint two (2) commissioners, one of whom shall initially have a two (2) year term coinciding with the term of the Mayor and the other shall have a four (4) year term commencing on the second Monday of May, 1969. Thereafter, each Mayor and each Councilman upon assuming office shall appoint one member to the Commission for a four (4) year term. Any vacancy occuring for any reason shall be filled in the same manner as the original appointment.

Article XII-A, Section 215 of the Charter of the City of San Bernardino is amended to read as follows:

Section 215. Commissioners shall hold office for a term of four (4) years and until their successors have been appointed and qualified. Commissioners shall serve at the pleasure of the appointing officer and any member of said Park and Recreation Commission may be removed at any time by the affirmative vote of five (5) Councilmen, and upon any such removal the vacancy shall be filled as aforesaid for the unexpired term.

Article XII-A, Section 216 of the Charter of the City of San Bernardino is amended to read as follows:

Section 216. The members of the Park and Recreation Commission shall serve without compensation. Immediately after appointment and qualification, said Commission shall organize by electing from among its membership a Chairman and a Secretary. Regular meetings shall be held at least once a month.

Article XII-A, Section 217 of the Charter of the City of San Bernardino is amended to read as follows:

Section 217. The Park and Recreation Commission shall:

(a) Act in an advisory capacity to the Mayor and Common Council in all matters pertaining to parks, recreation and parkways.

(b) Consider the annual budget of the Park and Recreation Department during the process of its preparation and make recommendations with respect thereto to the Mayor and Common Council; and

(c) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of this Charter.

Article XII-A, Section 218 of the Charter of the City of San Bernardino is amended to read as follows:

Section 218. The Mayor shall appoint, subject to the confirmation of the Common Council, a Director of the Park and Recreation Department of the City of San Bernardino who shall have the general management and supervision of said department and shall be in the competitive class of the calssified service of the Civil Service of the City of San Bernardino.

Article XIII, Section 249 of the Charter of the City of San Bernardino is amended to read as follows:

Section 249. In any open examination administered by the Civil Service Board or its board of special examiners or Chief Examiner, any person who has served in the regular armed forces of the United States of America in time of war and who has been honorably placed on inactive status or has been honorably discharged from such service shall receive a bonus of five grade points which shall be added to the final examination grade of said person who has obtained a passing grade for such examination. An additional five grade points shall be added to the final examination grade of such person who qualified for the initial five grade points for veteran preference and who has a service-connected disability rated at not less than ten percent (10%) by an authorized agency of the federal government. In any such open examination, ten grade points shall be added to the final examination grade of any successful applicant who is a wife of any such United States veteran honorably discharged from the service who, while in service in time of war, was disabled or crippled, thereby being permanently prevented from engaging in a remunerative occupation; or who is the widow of any such veteran who died or was killed in such service and who has not remarried. The Civil Service Board shall define the phrase "in time of war" in its rules and regulations and such definition shall include each war and any campaign involving the United States for which the federal government allows veteran preference. The bonus granted under this section shall not apply to promotions or to promotional examinations.

We have compared the said ratified amendments with the original proposed amendments submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter, and each of them, are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of San Bernardino to be attached on this 17th day of February, 1969.

(SEAL)

AL C. BALLARD
Mayor of the City of San Bernardino, California
JACK T. FELTON
City Clerk of the City of San Bernardino, California

and

WHEREAS, Said amendments to the Charter of the City of San Bernardino so ratified as hereinbefore set forth has been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of San Bernardino as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said Charter of the City of San Bernardino.

RESOLUTION CHAPTER 45

Assembly Concurrent Resolution No. 61—Relating to "Zero Defects Week."

[Filed with Secretary of State February 26, 1969.]

WHEREAS, The President of the United States and the Secretary of Defense have repeatedly expressed their determination to reduce the high costs of national defense by the elimination of waste; and

WHEREAS, The provision by industry to the government of error-free products exemplifies a manner in which the goal of defense cost reduction can be achieved; and

WHEREAS, The institution of "zero defects programs" in industry, by which employees strive to avoid error in the

manufacturing process, has greatly aided in the achievement of error-free products; and

WHEREAS, An outstanding illustration of the effectiveness of "zero defects programs" is Holex, Incorporated, which will be honored on March 6th as the recipient of the General Electric Missile and Space Division, Re-entry Systems Department's "Outstanding Supplier of the Year—1968" award; and

WHEREAS, This award is based on the fact that Holex has provided error-free components for the Re-entry Systems Department throughout 1968; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members ask the Governor to proclaim the week of March 6th through 13th as "Zero Defects Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to Holex, Incorporated.

RESOLUTION CHAPTER 46

Senate Concurrent Resolution No. 35—Relative to Schoolbus Safety Week.

[Filed with Secretary of State February 26, 1969.]

WHEREAS, Schoolbus Safety Week will be observed nationwide during the week of April 20 through April 26, 1969; and

WHEREAS, The outstanding safety record of the schoolbus drivers in transporting over 1.5 million students daily in California merits public commendation and recognition; and

WHEREAS, Safe student transportation on schoolbuses has acquired great importance due to the increasingly heavy traffic on our streets and highways throughout the state; and

WHEREAS, Schoolbus Safety Week is an ideal time for all citizens to rededicate themselves to promote safety on our streets and highways by exercising caution and courtesy in driving; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of April 20 through April 26, 1969, as "Schoolbus Safety Week" in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and two suitably prepared copies of this resolution to Mr. Richard E. Fischer, State Chairman of Schoolbus Safety Week.

RESOLUTION CHAPTER 47

Senate Concurrent Resolution No. 36—Relative to proclaiming the week of March 23 through 29 as Chamber of Commerce Week.

[Filed with Secretary of State February 26, 1969.]

WHEREAS, It is becoming increasingly evident that government and business must cooperate in solving the pressing problems involving community development, housing, hard-core unemployed, education, transportation, environmental pollution, and economic growth; and

WHEREAS, Business and professional men and women have the knowledge and ability to provide solutions to these pressing problems; and

WHEREAS, Business and professional men and women throughout California have joined in local, state and national chambers of commerce to find and implement solutions to the problems of the changing society in which we live; and

WHEREAS, Chambers of commerce have been and are supplying valuable service by providing a vehicle to aid these business and professional men and women to work together in voluntary group action programs; and

WHEREAS, Chamber of commerce members in the State of California will observe the week of March 23 through 29, 1969, as "Chamber of Commerce Week"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge Governor Reagan to proclaim the week of March 23 through 29, 1969, as "Chamber of Commerce Week"; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Governor Reagan, the California State Chamber of Commerce, and the California Association of Chamber of Commerce Executives.

RESOLUTION CHAPTER 48

Assembly Concurrent Resolution No. 32—Relative to the Governor issuing a proclamation that the week of March 16 to 22, 1969 be declared Value Engineering Week.

[Filed with Secretary of State February 27, 1969.]

WHEREAS, Value engineering has made important contributions to the citizens of California; and

WHEREAS, The resources at our disposal for solving the increasingly complex social and technical problems of our society must be utilized wisely and for maximum benefit; and

WHEREAS, Efforts to solve these problems should seek to provide a dollar's worth of value for every dollar spent in industry and government; and

WHEREAS, A field of endeavor known as value engineering has come about as a disciplined systematic approach for identifying and eliminating unnecessary cost; and

WHEREAS, The highly creative value engineering techniques developed so far have proven highly successful in pinpointing nonessential functions and eliminating unnecessary costs; and

WHEREAS, Value engineering is continuing to develop as a highly beneficial and necessary means of supplying goods and services to California citizens and the nation as a whole at the lowest possible costs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim that the week of March 16 to 22, 1969 be designated Value Engineering Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 49

Assembly Concurrent Resolution No. 37—Relating to Administrative Management Week.

[Filed with Secretary of State February 27, 1969.]

WHEREAS, 1969 marks the 50th anniversary of the Administrative Management Society; and

WHEREAS, For the past half century, the society has concerned itself with the personal development of its member managers as well as the continual improvement in the techniques and philosophies of the body of knowledge that we know as administrative management; and

WHEREAS, Over these years, more than one-quarter of a million people have been associated with and benefited from the activities and services of the society; and

WHEREAS, Currently, membership is worldwide and nearly 16,000 members participate in the activities of over 70 chapters located in the United States and Canada alone; and

WHEREAS, The society will hold an international conference in Toronto, Ontario, during the week of May 11 to May 17, 1969; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Governor to proclaim the week of May 11 to May 17, 1969, "Administrative Management Week" in honor of the 50th anniversary of the Administrative Management Society and in recognition of the significant role of the society in the development of modern management practices; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 50

Assembly Joint Resolution No. 8—Relative to the Pure Air Act of 1968.

[Filed with Secretary of State February 28, 1969.]

WHEREAS, Seventy percent of the poisonous smog which each year costs California approximately half a billion dollars is caused by motor vehicles; and

WHEREAS, The California State Legislature last year developed vehicle emission standards which all new vehicles must meet beginning in 1970 and which become increasingly more stringent through 1974; and

WHEREAS, California may not implement these standards unless the Secretary of Health, Education, and Welfare finds, under the Federal Air Quality Act of 1967, that the standards are technically feasible and capable of implementation with reasonable economic cost; and

WHEREAS, The standards in the Pure Air Act of 1968 have been found to be technically feasible and capable of implementation with reasonable economic cost by a technical advisory panel of nine California engineers, scientists, and air pollution experts; and

WHEREAS, The automobile manufacturers have repeatedly asked that emission standards be established well in advance so that they may have "lead time" to develop the hardware to implement the standards; and

WHEREAS, All the standards in the Pure Air Act of 1968 are now California state law: the standards for cars as well as larger vehicles, the standards for exhaust emissions as well as evaporative loss, and the standards for 1971, 1972, 1973, and 1974 as well as 1970; and

WHEREAS, This is the law passed by both houses of the Legislature, and this is the law signed by the Governor; and

WHEREAS, On November 20, 1968, the California Air Resources Board unanimously adopted test procedures for all the standards in the Pure Air Act: for both exhaust and evaporative loss; for hydrocarbons, carbon monoxide and oxides of nitrogen; and for 1970, 1971, 1972, 1973, and 1974; and

WHEREAS, Without the strong responsible standards in the Pure Air Act of 1968 there is persuasive medical evidence that California faces a public health crisis of major dimension; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California requests the Secretary of Health, Education, and Welfare to grant California a waiver on all of the standards and procedures in the Pure Air Act of 1968 as promptly as possible; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of Health, Education, and Welfare and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 51

Senate Concurrent Resolution No. 42—Relative to International Toastmistress Week.

[Filed with Secretary of State March 5, 1969.]

WHEREAS, International Toastmistress Clubs is an educational organization for women interested in increasing their ability and confidence; and

WHEREAS, The organization's programs place major emphasis upon communication, leadership training, and skill in organizational techniques; and

WHEREAS, These qualities are vitally important today, as throughout history, and should be encouraged among adult women without regard to race, religion, citizenship, or country of residence; and

WHEREAS, Because of its high educational standards which may benefit all women this exemplary organization is worthy of special tribute; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members commend the International Toastmistress Clubs and request the Governor to proclaim the week of May 18, 1969, through May 24, 1969, as International Toastmistress Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 52

Senate Concurrent Resolution No. 46—Relative to proclaiming February as American Music Month.

[Filed with Secretary of State March 5, 1969.]

WHEREAS, The California Federation of Music Clubs, an affiliate of the National Federation of Music Clubs, was founded for the purpose of encouraging American composers to produce their works and American performers to present American music from our earliest folk pieces to modern contemporary composition; and

WHEREAS, In order to help to bring to public notice the rich variety and the beauty of American music developed from the earliest years of our nation, it is the desire of the federation

to set aside the month of February as American Music Month in this state; and

WHEREAS, The members wish to support this worthy aim; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the month of February as American Music Month; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 53

Senate Concurrent Resolution No. 44—Relative to the Senate and Assembly.

[Filed with Secretary of State March 5, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

First. That each house of the Legislature shall be in recess from adjournment of its session on Friday, March 28th, until the time set for reconvening on Monday, April 7th.

Second, That no bill shall be introduced after April 8th at this session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill, and a digest shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to the Rules Committee of the appropriate house. The notice and digest shall be printed in the journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in the provision "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Third, That all requests for the preparation of a bill to be introduced on or before April 8th shall be made to the Legislative Counsel on or before March 28th. The Legislative Counsel shall not deliver the draft of any bill requested after March 28th until April 9th or after.

RESOLUTION CHAPTER 54

Senate Concurrent Resolution No. 50—Relative to proclaiming Youth Temperance Education Week.

[Filed with Secretary of State March 5, 1969.]

WHEREAS, It has of late become increasingly apparent that the youth of California experiment with narcotics and hallucinatory and other dangerous drugs without knowing or understanding the dangers inherent in such experimentation; and

WHEREAS, Recent surveys indicate that over 10 percent of California's high school seniors have used, or are using, marijuana; and

WHEREAS, The youth of California should be taught the effects of drugs, alcohol and tobacco on the human system; and

WHEREAS, It is imperative that an educational program be established so that youth may know the truth about tobacco, alcohol, narcotics, and hallucinatory and other dangerous drugs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning April 20, 1969, as "Youth Temperance Education Week," and inviting the people of California to cooperate during that week with programs of temperance education; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 55

Senate Concurrent Resolution No. 62—Relative to Circle K Week.

[Filed with Secretary of State March 5, 1969.]

WHEREAS, Circle K International, a collegiate service organization sponsored by Kiwanis International, is observing the week of March 2–8, 1969, as Circle K Week; and

WHEREAS, The members of Circle K are part of an international organization dedicated to serve with purpose their God, their country, their state and their fellow man, seeking to give primacy to the human and spiritual rather than to the material values of life; and

WHEREAS, They promote the adoption of higher social, business, professional and educational standards and a more concerned and serviceable citizenship; and

WHEREAS, Through their purposeful service they have helped to build better communications where righteousness, justice, patriotism and good will are more than just words—where they become goals for living; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend the members of Kiwanis International for their sponsorship of Circle K Week; and be it further

Resolved, That the Governor of California is hereby requested to proclaim the week beginning with March 2, 1969, as Circle K Week in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 56

Assembly Concurrent Resolution No. 21—Relative to the creation of the Joint Legislative Committee on Higher Education.

[Filed with Secretary of State March 6, 1969.]

WHEREAS, The 1965 Legislature recognized the need for a thorough and long-range study of California's system of higher education, and the Joint Committee on Higher Education was thereby created by the Legislature through the adoption of Assembly Concurrent Resolution No. 156 (Resolutions Chapter 216, Statutes of 1965); and

WHEREAS, There is a continuing need for the Legislature to review the California Master Plan for Higher Education; and

WHEREAS, There is a need for further study of alternate proposals for improving the quality and effectiveness of higher educational institutions in California; and

WHEREAS, There is a need for a thorough analysis and study by the Legislature of major issues in the field of higher education before adopting a public policy in this sensitive field; and

WHEREAS, There is a need to involve the public and the higher education community in a search for ways and means to continue California's recognized leadership in this important field; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on Higher Education is hereby created and authorized and directed to ascertain, study and analyze all facts relating to existing and emerging problems of higher education in the State of California, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five

Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1970 Regular Session, with authority to file its final report not later than the fifth legislative day of that session.

4. The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 57

Assembly Concurrent Resolution No. 43—Relative to commending La Fiesta de las Rosas.

[Filed with Secretary of State March 10, 1969.]

WHEREAS, La Fiesta de las Rosas in San Jose, Santa Clara County, California, is reviving the fiesta parade, pageant and festival in May and June, 1969; and

WHEREAS, La Fiesta de las Rosas is joining other citizens in celebrating California's 200th birthday through issuance of a commemorative bicentennial medallion, 1769–1969; and

WHEREAS, The fiesta will thus observe and celebrate said 200th anniversary of the State of California; and

WHEREAS, Through such celebration and pageantry Fiesta de las Rosas will dramatize the rich cultural heritage of this state and its people; and

WHEREAS, The members of the fiesta have labored long and hard to bring forth this major floral parade and celebration; and

WHEREAS, All the people of all ages and every ethnic group and every religion are joining in one common enterprise including fandangos, art, rose show, a Great West rodeo, concerts and other activities of great value and benefit; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their thanks to La Fiesta de las Rosas for its contribution to the Santa Clara Valley and to all California, extend to the fiesta best wishes, and commend Mary Jeanne Sauerwein, Frank Fiscalini, Russell Pettit, Clyde Arbuckle, Frances Hamann, Luis G. Juarez, Bill K. Matsumoto, Henry M. Plymire, Daniel Saldana, Herbert J. Sommers, Dr. Duane S. Bay, Joseph A. Colla, Joseph A. Connolly, Hugh C. Ellis, Mrs. Ronald R. James, Mrs. Keith Gow, Kurt Gross, James C. Malone, Thomas B. Markley, Dean McKellep, Dan McTeague, Edmund Mercado, Ralph Poblano, Blanca R. Ramos, George Sepulveda, Stanley Smock, Richard C. Van Valer, James F. Steacy, Robert Stroughter, Mario Tarabini, Dr. Chester Mason, Allen Sauerwein, Bob Baskett and Betsy Lyse for the valuable service and assistance they have rendered to the fiesta; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to La Fiesta de las Rosas and all persons named herein.

RESOLUTION CHAPTER 58

Assembly Concurrent Resolution No. 53—Relative to commending Manuel Furtado.

[Filed with Secretary of State March 10, 1969.]

WHEREAS, The Members of the Legislature have learned that Manuel Furtado, of Tracy, California, has been a dairyman for 50 years; and

WHEREAS, He has devoted a substantial part of his time and efforts to improving the quality standards for fluid milk; and

WHEREAS, He has always assisted his fellow dairymen by keeping them informed of the problems relating to the production and marketing of fluid milk; and

WHEREAS, Mr. Furtado has always believed in dairymen joining together to solve their problems, and he has had a leading part in the organization of the "Associated Dairymen" and the "California Milk Producers' Federation"; and

WHEREAS, Manuel Furtado still serves these two organizations as an active director; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend and congratulate Manuel Furtado on his 50 years of outstanding service and devotion to his fellow dairymen and the dairy industry of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Manuel Furtado.

RESOLUTION CHAPTER 59

Senate Concurrent Resolution No. 37—Relative to commending Colonel Frank Borman, NASA Astronaut.

[Filed with Secretary of State March 10, 1969.]

WHEREAS, It has come to the attention of the Members of the Legislature that Colonel Frank Borman, together with Captain James Lovell and Lieutenant Colonel Bill Anders in the Apollo 8 manned space flight traveled faster and farther than any man has ever gone; and

WHEREAS, The crew of the Apollo 8 was the first to escape the earth's atmosphere, the first to enter the moon's atmosphere, orbit the moon at a height of only 70 miles, and return to the earth; and

WHEREAS, Frank Borman, the captain of Apollo 8, was born in Gary, Indiana, raised in Tucson, Arizona, and graduated from the U.S. Military Academy at West Point with a bachelor of science degree; and

WHEREAS, After serving with honor as an Air Force pilot in the United States and the Philippines, he was appointed

instructor in thermodynamics and fluid mechanics at West Point; and

WHEREAS, Borman received his master's degree in aeronautical engineering from the California Institute of Technology in 1957, graduated from the USAF aerospace research pilots school in 1960 and remained there as an instructor until 1962; and

WHEREAS, He became a NASA astronaut in 1962, was command pilot for the historic Gemini VII mission, the longest manned flight up to that time (over 330 hours), and participated in the world's first manned space rendezvous of Gemini VII and Gemini VI in 1965; and

WHEREAS, He has received numerous awards from the President of the United States and NASA and was greatly honored in 1966 as corecipient of the 1966 Harmon International Aviation Trophy for his outstanding space flight achievements; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily congratulate Colonel Frank Borman, NASA astronaut, for his monumental achievements in outer space travel and commend him for the great honor he has brought to his nation by the historic Apollo 8 moon shot; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Colonel Frank Borman.

RESOLUTION CHAPTER 60

Senate Concurrent Resolution No. 38—Relative to commending Lieutenant Colonel William A. Anders.

[Filed with Secretary of State March 10, 1969.]

WHEREAS, Lieutenant Colonel William A. Anders rendered exceptional service to his country as one of the astronauts of Apollo 8, the first crew to accomplish a lunar mission; and

WHEREAS, William Anders was one of the 14 astronauts selected by the National Aeronautics and Space Administration's space flight team in 1963 and was pilot of the backup crew for the Gemini XI mission prior to the Apollo 8 mission; and

WHEREAS, Before being selected by NASA for astronaut training, William Anders received a bachelor of science degree from the United States Naval Academy in 1955, was commissioned in the Air Force and received flight training; received his master of science degree in nuclear engineering from the Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio and in 1962 served as a nuclear engineer and instructor pilot at the Air Force Weapons Laboratory, Kirtland Air Force Base, New Mexico; and

WHEREAS, The achievements of the Apollo 8 mission and its commander, Frank Borman, command module pilot, James A. Lovell and lunar module pilot, William A. Anders have captured the imagination and respect of the entire world; and

WHEREAS, The Apollo 8 crew were the first to be launched from the Saturn V, the world's largest launch vehicle, the first to escape the earth's gravitational force and because of it the first to travel at speeds of almost 25,000 miles per hour, the first to reach lunar orbit approximately 70 miles above the moon's surface, and to have traveled away from the earth further than any other manned space flight and the first to reenter the earth's atmosphere at a speed of over 24,000 miles per hour; and

WHEREAS, Great honor is due William Anders and other heroes of the space program who voluntarily accept the challenges and explore the unattained heights and whose strength, discipline, spirit and courageous efforts are making significant contributions to the effort required for ultimate success of the NASA space program; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members take pride in commending Lieutenant Colonel William A. Anders for his outstanding record of achievement, and express their appreciation for his significant contributions to the development of our nation's manned space flight program; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Lieutenant Colonel William A. Anders.

RESOLUTION CHAPTER 61

Senate Concurrent Resolution No. 39—Relative to Captain James A. Lovell, Jr., U.S.N.

[Filed with Secretary of State March 10, 1969.]

WHEREAS, Captain James A. Lovell, Jr., of the United States Navy, as a member of the crew of Apollo 8, has participated in what is unquestionably one of the greatest scientific achievements since the discovery of flight; and

WHEREAS, This intrepid astronaut has made an indelible mark upon the ledger of man's greatest achievements as one of the first three men ever to escape from the gravitational field of his native Earth and orbit the moon; and

WHEREAS, Captain Lovell and the other crewmen of the Apollo 8, in the course of their 10 orbits of the moon, also attained a speed of almost 25,000 miles per hour and thus have traveled faster than any of their fellow men; and

WHEREAS, This incredible feat was made possible through the use of the world's largest launch vehicle, the Saturn V,

which was built at Downey by the North American Rockwell Corporation in team with a myriad of other cooperating companies, trade unions, and skilled consultants employing virtually every field of man's scientific knowledge; and

WHEREAS, Even as with the early navigators of bygone times, setting forth in their frail craft to seek new lands, so, too, has Captain Lovell achieved eternal recognition in the annals of man for his heroic achievements in the depths of space; and

WHEREAS, Captain Lovell, to the everlasting credit of his country and fellow men, has shown the way in what is sure to be man's finest hour, the landing on the moon; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members most warmly commend Captain James A. Lovell, Jr., U.S.N., for his brilliant achievement in orbiting the moon for the first time in the history of man; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Captain James A. Lovell, Jr., U.S.N.

RESOLUTION CHAPTER 62

Senate Concurrent Resolution No. 40—Relative to commending North American Rockwell Corporation.

[Filed with Secretary of State March 10, 1969]

WHEREAS, The stellar success of the pioneering Apollo 8 space flight was made possible in large measure by North American Rockwell Corporation's Space Division of Downey, California, the Apollo 8 program's principal contractor, and its president, W. B. Bergen; and

WHEREAS, Among the unprecedented scientific breakthroughs attained by Apollo 8 astronauts Borman, Lovell and Anders were man's escape from the earth's gravitational field, his attainment of lunar orbit, his unassisted, closeup view of the moon, and his reaching speeds of nearly 25,000 miles per hour in this historic venture; and

WHEREAS, These horizon-expanding accomplishments and the precision and perfection of their execution were made possible by the technical excellence built into the Apollo command and service module, which represented the spacecraft of Apollo 8, by North American Rockwell's Space Division; and

WHEREAS, In addition to its own accomplishments with the Apollo 8 spacecraft, North American Rockwell supervised and coordinated the efforts of some 9,000 subcontractor firms, insuring perfect coordination and technical excellence in the countless systems and components produced thereby; and

WHEREAS, In addition to its services as prime contractor, other divisions of North American Rockwell contributed significantly, most notable among which are the Seal Beach facilities of the Space Division, which built the second stage of the Saturn V rocket, the world's largest launch vehicle, and the Rocketdyne Division, which built the reaction controls for the command module and also the main engines for all three stages of the Saturn V launch vehicle; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend the North American Rockwell Corporation and its president, W. B. Bergen, for trailblazing excellence in its many accomplishments in the Apollo 8 space flight; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the North American Rockwell Corporation and its president, W. B. Bergen.

RESOLUTION CHAPTER 63

Assembly Joint Resolution No. 10—Relative to the issuing of a commemorative stamp and a presidential proclamation upon the centennial of Japanese immigration to the United States of America.

[Filed with Secretary of State March 12, 1969.]

WHEREAS, The first group of Japanese immigrants arrived from Aizu Wakamatsu, Japan, aboard the sidewheeler "China" of The Pacific Mail Steamship Company and entered the United States on May 27, 1869, at San Francisco; and

WHEREAS, This valiant and brave band of colonists proceeded to Sacramento by riverboat, traveled overland by wagon to Placerville and Gold Hill, and established the Wakamatsu Tea and Silk Farm Colony of Gold Hill by clearing the land, building their homes, and cultivating plants and seeds, including 50,000 three-year-old mulberry trees for silk farming, which they had brought with them from their native land; and

WHEREAS, Although this pioneer project was doomed in less than two years by a combination of dry climate and a scarcity of irrigation water, it nevertheless heralded a period during which the Japanese people immigrated to California to participate in the beginnings of the Golden State's agricultural industry; and

WHEREAS, On December 16, 1966, the Historical Landmarks Advisory Committee of the Division of Beaches and Parks unanimously approved the Wakamatsu Tea and Silk Farm Colony of Gold Hill as a historical landmark and stated that "Although the Wakamatsu Tea and Silk Farm Colony was short lived and suffered its tragic ending, it signaled the

coming of Japanese pioneers to America and the beginning of their notable contribution to the agricultural industry of California. During the past three-quarters of the century, they have left their marks in the teeming valleys throughout the length and breadth of this great state. Many descendants are carrying on the work of their pioneer forebears with the same devotion, determination and skill which helped to make California the most productive farming state in the United States and the greatest agricultural region in the world . . ."; and

WHEREAS, On June 7, 1969, a monument bearing the state historical plaque will be dedicated in appropriate ceremonies at Gold Hill, and the ceremonies will be attended by persons from many parts of our nation who are of Japanese descent as well as visitors from Japan; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California recommend that the Post Office Department of the United States of America print a commemorative stamp honoring the centennial of Japanese immigration to the United States of America; and be it further

Resolved, That Richard M. Nixon, President of the United States of America, be requested to proclaim the year 1969, the centennial year for the people of Japanese descent in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States and the Postmaster General of the United States.

RESOLUTION CHAPTER 64

Assembly Concurrent Resolution No. 11—Relative to commending Dr. R. Coke Wood.

[Filed with Secretary of State March 12, 1969.]

WHEREAS, It has come to the attention of the Members of the Legislature that Dr. R. Coke Wood has made significant contributions to the preservation and restoration of historical data and objects of the State of California and, particularly, the Mother Lode; and

WHEREAS, Although he was born in Oklahoma, he received his elementary and secondary education in the schools in Bishop, did undergraduate work at the University of Nevada and the University of Hawaii, received a B.S. degree and a M.A. degree from the College of the Pacific, and graduated Phi Beta Kappa with his Ph.D. degree from the University of Southern California; and

WHEREAS, He taught for the Stockton Unified School District in Murphys for eight years, and has more recently been teaching at Delta College and the University of Pacific; and

WHEREAS, In 1952, he organized the Calaveras County Historical Society and has been vice president continuously since that date, and he has edited the society's quarterly publication for the past 12 years; and

WHEREAS, From his sojourn in Murphys as a teacher, he became keenly interested in the history of the Mother Lode, and he and his wife, Ethelyn, purchased and restored the oldest building in Murphys—the P. L. Traver Building—and have transformed it into one of the finest privately owned museums in the Mother Lode; and

WHEREAS, He has written many books and articles with respect to the Mother Lode, including, among others, "Murphys, Queen of the Sierra," "Calaveras, Land of Skulls," and "The Big Tree—Carson Valley Turnpike, Ebbetts Pass and Highway Four"; and

WHEREAS, He pioneered in the field of television instruction, conducting history classes from the University of the Pacific, and for many years, he and his wife have conducted the popular California Mission Tours for the university; and

WHEREAS, In 1965, Governor Brown appointed him as chairman of the California Historical Landmarks Advisory Commission and Governor Reagan recently reappointed him to the commission; and

WHEREAS, He is editor and executive secretary for the California Historian, director for the Pacific Historian, Grand Clamp Historian of the E Clampus Vitus Clamper Magazine, a charter member of the Jedediah Strong Smith Society (which he helped found) at the University of the Pacific, and a member of E Clampus Vitus (Matuca Chapter); and

WHEREAS, In 1966, he was the recipient of an honor award from the California State Historical Society, and in 1967 he received the Outstanding Citizen of the Year Award from the Murphys Community Club; and

WHEREAS, Dr. R. Coke Wood is currently director and curator of the Pacific Center for Western Historical Studies at the University of the Pacific, is chairman of the Social Sciences Department at Delta College, is director and curator for the Stuart Library of Western Americana at the University of the Pacific, and is executive secretary for the California Conference of Historical Societies; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature commend Dr. R. Coke Wood for his tireless dedicated effort in the preservation and restoration of historical data and objects of the State of California and, particularly, the Mother Lode; and be it further

Resolved, That the Members of the Legislature respectfully request the Governor to designate Dr. R. Coke Wood as "Mr. California"; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Governor of the State of California, and to transmit a suitably prepared copy of this resolution to Dr R. Coke Wood.

RESOLUTION CHAPTER 65

Senate Concurrent Resolution No. 56—Relative to commending Frank Burrill and R. L. "Cuba" Morris.

[Filed with Secretary of State March 13, 1969.]

WHEREAS, Driver education and driver training are now recognized as a most important and essential segment of the total traffic safety program in the State of California; and

WHEREAS, The people of the state, educators, legislators, highway safety and law enforcement agencies, and many others endorse, support and encourage the high school level teaching of driver education and training as an integral part of the education of our youth; and

WHEREAS, The development of this educational pursuit of increased traffic safety for the young people of our society has been accomplished through extensive research and development through the years, but began as the dream and inspiration of two men, Frank Burrill and R. L. "Cuba" Morris; and

WHEREAS, Because of their foresight, unselfish diligence and dedication Frank Burrill and R. L. "Cuba" Morris gave much in the way of time, thought, energy, money, and personal sacrifice to draft and urge the passage of the first legislation to create programs for driver training as part of high school curriculum; and

WHEREAS, Frank Burrill and R. L. "Cuba" Morris, together with then Assemblyman Earl W. Stanley of Orange County, drafted the bill which came to be known as the "Stanley Bill for Driver Education," and with the help of then Speaker of the House Sam Collins, organized grass roots support, sold the idea to schools, parent groups, city and county government bodies, civic clubs, insurance companies, automobile clubs, auto manufacturers, and legislators, and, as a result of such dedicated effort, the bill passed both houses June 20, 1947; and

WHEREAS, After the passage of the "Stanley Bill for Driver Education," Frank Burrill and Cuba Morris continued to develop public support for this vital program by giving talks, visiting school board members, administrators and teachers; and

WHEREAS, Mr. Burrill wrote to all the automobile manufacturers and asked them to offer cars for high school use in the programs, and by persistence and persuasive argument overcame the companies' initial reluctance and soon the program of loaning cars to schools became a reality through the cooperative efforts of auto clubs and auto dealers' associations; and

WHEREAS, Mr. Morris and Mr. Burrill established several course outlines for some of the first driver education classes which have been used throughout the state; and

WHEREAS, Mr. Burrill and Mr. Morris developed night school driver education training for adults and others who had missed such training in high school and worked with judges to get violators to attend driver education classes in place of fines; and

WHEREAS, In view of the lives which have been saved by the better driving habits of graduates of driver education and training classes, and the mature responsibility for the safety of others which is learned as part of these courses; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Frank Burrill and R. L. "Cuba" Morris for their vital part in the passage of the law creating driver education and training as a part of high school curriculum; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Frank Burrill and R. L. "Cuba" Morris.

RESOLUTION CHAPTER 66

Senate Concurrent Resolution No. 65—Relative to the death of James A. Evans.

[Filed with Secretary of State March 13, 1969.]

WHEREAS, The Members of the Legislature were deeply saddened to learn of the recent untimely death of James A. Evans; and

WHEREAS, "Jimmy" was loved and respected by the many persons in the State Capitol with whom he came in contact through his long career as a legislative advocate; and

WHEREAS, Always ready with a friendly word and a cheerful smile, he brightened the day for many a legislator beset by the complex and serious problems confronting this state; and

WHEREAS, "Jim" was born in New York September 26, 1911, and came to California in 1922; and

WHEREAS, He served with distinction in the armed forces prior to and during World War II, and then again responded to his country's call during the Korean conflict; and

WHEREAS, He ably served as a legislative advocate for the California League of Senior Citizens, both in Sacramento and Washington, D.C., from 1948 through 1964, and thereafter represented the savings and loan industry; and

WHEREAS, "Jimmy" Evans will be sorely missed by his many friends, who will not soon forget his quick wit and kindly manner; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members take this means to express their sorrow at the passing of James A. Evans, and to extend their sincere condolences to Mrs. Carol T. Evans, his widow, and to John W. Evans, his brother and former Member of the Assembly; and to William A. Evans, his father, and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Carol T. Evans, widow of James A. Evans, and to John W. Evans, his brother, and to William A. Evans, his father.

RESOLUTION CHAPTER 67

Senate Concurrent Resolution No. 66—Relative to proclaiming the week of March 9 through 15 Toastmasters Week.

[Filed with Secretary of State March 13, 1969.]

WHEREAS, The ability to speak effectively, listen carefully, and think critically is among the most valuable talents a person can develop; and

WHEREAS, The development of leadership abilities in men is of great value to our democratic society and the free enterprise system; and

WHEREAS, Toastmasters International, a nonprofit, nonsectarian educational organization, is dedicated to providing the opportunity for developing these talents; and

WHEREAS, 479 toastmaster clubs with a total of 14,370 members in this state, make important contributions to the public good through their participation in community service and charitable programs; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of March 9 through 15 as Toastmasters Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 68

Assembly Concurrent Resolution No. 64—Approving an amendment to the Charter of the City of Napa, County of Napa, State of California, ratified by the qualified electors of the city at an election held therein on the fifth day of November, 1968.

[Filed with Secretary of State March 13, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Napa, a municipal corporation in the County of Napa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California
County of Napa } ss.
City of Napa

CERTIFICATE OF RATIFICATION OF ONE AMENDMENT TO THE CHARTER OF THE CITY OF NAPA

We, the undersigned, Ralph Trower, Mayor of the City of Napa, and Allen R. Thorpe, City Clerk of said City, do hereby certify as follows:

That the City of Napa, a municipal corporation in the County of Napa, State of California, now is and at all times here in mentioned, was a city containing a population of more than 3,500 and less than 50,000 inhabitants and is now, and has been ever since January 26, 1915, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which said Charter was duly ratified by the qualified electors of said City of Napa at an election held for that purpose on the 16th day of December 1914 and approved by the Legislature of the State of California on the 26th day of January, 1915.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California the City Council of the City of Napa on its own motion duly made and entered on the minutes of said City Council on September 2, 1968, duly and regularly prepared and proposed to submit to the qualified voters of said City of Napa one proposed amendment to the Charter of said City of Napa, said charter amendment being designated as Proposed Charter Amendment No. 1, filed in the office of the Clerk of said City of Napa on said September 2, 1968 and further ordered that said charter amendment should be submitted to and voted upon by the qualified voters of said City at a Consolidated General Election called and held for that purpose in said City on the 5th day of November, 1968.

That said proposed charter amendment was published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 11th day of September, 1968, in the "Napa County Record", a newspaper of general circulation printed and published in said City of Napa, and in all the editions thereof issued during said day of publication.

That said Consolidated General Election was held in said City of Napa on November 5, 1968, and that at said election a majority of the qualified voters voting thereon voted in favor of said proposed charter amendment designated as Proposed Charter Amendment No. 1, and that the Napa County Clerk, as provided by law, duly and regularly canvassed the returns of said election and did duly find, determine and declare the result of said election to be that a majority of the qualified voters of said city voting on said proposed charter amendments had voted for and ratified said amendments, and that the City Clerk did enter on the record and in the minutes of said City Council a statement of the result of said election.

That said amendment to the Charter of the City of Napa, so ratified by the electors of said City of Napa, is in words and figures as fully set forth as follows:

Charter Amendment No. 1. That the fourth paragraph of Section 17A of the Charter of the City of Napa be amended to read as follows:

The candidate who receives the most votes cast for the office for which he is a candidate shall be elected to such office, except that in the event there is more than one vacancy in the office for which candidates are elected; the candidates up to the number of vacancies who receive the highest number of votes shall be elected to such vacancies.

That we have compared the foregoing amendment with the original proposal submitted to the electors of said City of Napa and find that the foregoing is full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preambles of this Certificate preceding said amendment to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Napa to be affixed hereto this 21st day of January, 1969.

(SEAL)

RALPH TROWER
Mayor of the City of Napa
State of California
ALLEN R. THORPE
City Clerk of the City of Napa
State of California

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members

elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Napa, County of Napa, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to and as part of the Charter of the City of Napa, County of Napa.

RESOLUTION CHAPTER 69

Senate Concurrent Resolution No. 49—Relative to proclaiming Good Nutrition Week.

[Filed with Secretary of State March 14, 1969]

WHEREAS, The vitality of our citizens depends upon a lifetime of good food habits and good nutrition, these being the foundation of physical well-being; and

WHEREAS, The promotion of sound diets and good nutrition helps Californians of all ages to maintain health and happiness; and

WHEREAS, The people of the state are encouraged to know and practice principles of dietetics and nutrition, as these principles are promoted and taught by the California Dietetic Association, an organization dedicated to improving human nutrition and advancing the science of dietetics and nutrition; and

WHEREAS, A proclamation of Good Nutrition Week will further encourage citizens throughout the state to learn more of these vital subjects, and to apply to themselves the beneficial principles of nutrition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of April 13th through 19th as Good Nutrition Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy to the California Dietetic Association.

RESOLUTION CHAPTER 70

Assembly Concurrent Resolution No. 48—Relative to requesting the Governor to proclaim April 13–19 as Welcome Wagon Week.

[Filed with Secretary of State March 17, 1969.]

WHEREAS, It has come to the attention of the Members of the Assembly that Welcome Wagon International is observing the 41st anniversary of its founding as an organization dedicated to the family, social welfare, national defense, and civic progress; and

WHEREAS, Welcome Wagon began in Santa Barbara, California, in 1929 with only two hostesses and today there are over 400 hostesses who make over 70,000 welcome visits a year to newcomers in communities of our state; and

WHEREAS, The Welcome Wagon hostess is a friendly link between her community and the newcomer, easing the overburdening difficulties of establishing a new family living pattern; and

WHEREAS, The praiseworthy work of Welcome Wagon deserves the earnest cooperation of all Californians; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge the Governor to proclaim the week of April 13th through April 19, 1969, as Welcome Wagon Week in recognition of the outstanding service which Welcome Wagon has rendered so faithfully to our state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Governor Ronald Reagan and to Welcome Wagon International.

RESOLUTION CHAPTER 71

Assembly Concurrent Resolution No. 57—Relative to memorializing Y. Frank Freeman.

[Filed with Secretary of State March 19, 1969.]

WHEREAS, The Members of the Assembly were saddened to learn of the death of Mr. Y. Frank Freeman, former vice president in charge of Paramount Studio operations; and

WHEREAS, Y. Frank Freeman was born December 14, 1890, in Greenville, Georgia, and graduated from Georgia Tech with an electrical engineering degree in 1910; and

WHEREAS, He entered the telephone business in Ocilla, Georgia, which was his first direct contact with the public as a supplier of goods and services, and later directed his father's cotton operations; and

WHEREAS, Mr. Freeman began his career in the motion picture industry by operating the Amusu Theatre in Fitzgerald, Georgia, for his father-in-law, developing an interest in both chain exhibition and distribution; and

WHEREAS, After joining Lynch Enterprises, which distributed Paramount and Triangle pictures, he became general sales manager in 1916 and later became vice president and general manager of Southern Enterprises in 1919, which distributed films to 11 southern states; and

WHEREAS, Y. Frank Freeman supervised the enormous real estate holdings of Paramount and in 1934 assumed the direction of theater operations, and in 1936 was elected vice president in charge of theater operations, which extended his re-

sponsibility to over 1,400 United States and Canadian theaters of the Paramount circuit, the largest in the world, and was also made a board member of Paramount because of the outstanding leadership he had demonstrated in guiding the affairs of the company; and

WHEREAS, He became vice president in charge of the Paramount Studios in Hollywood in 1938 and directed its operations until 1959; and

WHEREAS, He was recognized as an outstanding motion picture executive by the film industry, having been elected a three-term president and board chairman of the Association of Motion Picture and Television Producers, governor of the Academy of Motion Picture Arts and Sciences, and chairman of the Motion Picture Research Council; and

WHEREAS, He was deeply involved in humanitarian activities, including three-term campaign chairman and past president of Motion Picture Permanent Charities Committee, and held positions with the Motion Picture Relief Fund, Crusade for Freedom, National Conference of Christians and Jews, War Activities Committee, Hollywood Victory Committee, American Red Cross, and Los Angeles Welfare Federation and Community Chest and as a result of his activities was the first recipient of the Jean Hersholt Award for Humanitarianism awarded by the Academy of Motion Picture Arts and Sciences in 1957; and

WHEREAS, He was active in banking and civic affairs, having been a member of the board of trustees of Georgia Tech and the University of Southern California, chairman of the Los Angeles Federal Reserve Board, deputy chairman of the San Francisco Federal Reserve Board, and a member of the Los Angeles Chamber of Commerce, Greater Los Angeles Building Fund, Los Angeles World Affairs Council, Southern California Olympic Games Committee and Post-World War II State Planning Commission; and

WHEREAS, Mr. Y. Frank Freeman had such a reputation for integrity and was accorded such respect by both management and labor in the film community that many a critical issue was settled by the statement "If Frank says it's okay, then it's okay"; and

WHEREAS, Mr. Freeman, on the occasion of his 25th year in Hollywood, was honored at a spectacular 1963 tribute by political, industry, labor, civic and charitable figures, including President John F. Kennedy, for his distinguished service, inspiring personal example, integrity, religious conviction and fairness; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members extend their deepest sympathies to the widow of Mr. Y. Frank Freeman, Margaret Freeman; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Margaret Freeman.

RESOLUTION CHAPTER 72

Assembly Concurrent Resolution No. 58—Relative to Freedom Season.

[Filed with Secretary of State March 19, 1969.]

WHEREAS, It has come to the attention of the members that the period from Flag Day (June 14th) through the Fourth of July has been in past years recognized as "Freedom Season"; and

WHEREAS, The purpose of Freedom Season is to coordinate nonpartisan, nonsectarian, and nonprofit patriotic celebrations to emphasize pride in American citizenship, and is designed to establish self-perpetuating, community-sponsored celebrations of American independence, with active participation by citizens, organizations, and businesses; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim the period from June 14th to July 4th as Freedom Season; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 73

Senate Concurrent Resolution No. 61—Relating to commending the Benevolent and Protective Order of the Elks, Lodge #6, and its exalted ruler, Richard Desmond.

[Filed with Secretary of State March 19, 1969.]

WHEREAS, The members of the Benevolent and Protective Order of the Elks, Lodge #6, will observe Recognition Night on March 20, 1969, at which time they will honor their community and state as well as present awards to persons who through their significant contributions improved the lives of their fellow men; and

WHEREAS, Through the distinguished and dynamic leadership of their exalted ruler, Richard Desmond, the members of Lodge #6 during the past year raised over seventeen thousand dollars for charity, started active youth recreation programs, aided many young people to obtain formal education by granting scholarships, and presented Flag Day ceremonies which portrayed the history of our flag; and

WHEREAS, This outstanding record resulted in one of the most successful membership drives in Elks history when more than 600 new members joined Lodge #6; and

WHEREAS, The members of Lodge #6 of the Benevolent and Protective Order of the Elks can be proud of their outstanding achievements under the leadership of their exalted ruler, Richard Desmond; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend the Benevolent and Protective Order of the Elks, Lodge #6, for its outstanding record of achievements and commend their exalted ruler, Richard Desmond, for his selfless dedication to community improvement programs; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the Benevolent and Protective Order of the Elks, Lodge #6, and to its exalted ruler, Richard Desmond.

RESOLUTION CHAPTER 74

Senate Concurrent Resolution No. 63—Relative to Freedom's Season.

[Filed with Secretary of State March 19, 1969.]

WHEREAS, June 14 is traditionally celebrated as Flag Day and July 4 as Independence Day; and

WHEREAS, It is altogether proper that the period between these two historic dates should have special significance to Americans; and

WHEREAS, This period should be known as "Freedom's Season" and be celebrated by the prominent display of the American Flag, which is symbolic of that which is most cherished and desired by man—freedom; and

WHEREAS, This freedom represented by the American Flag was hardwon by our forefathers and has thus far been preserved, and this heritage should be recognized by celebrations organized during Freedom's Season under the motto "Glad to be an American"; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim June 14, 1969, through July 4, 1969, as "Freedom's Season" and urge all citizens to celebrate this occasion by the prominent display of the American Flag; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 75

Assembly Joint Resolution No. 12—Relative to flood control and water reclamation assistance.

[Filed with Secretary of State March 25, 1969.]

WHEREAS, Many areas in California were devastated by floods during the period January 22 through 27, 1969, causing loss of life and destruction to public and private property; and

WHEREAS, The Governor of California has declared 27 counties in the state as disaster areas so victims of the flood may be assisted in the repair of their properties and obtain necessary relief; and

WHEREAS, Recent reports showed that existing flood control projects, financed in part by the federal government were instrumental in preventing more damage than had been inflicted; and

WHEREAS, California is in the midst of a major flood control development program and has requested financial assistance in the sum of $190,589,000 from the federal government for flood control and water reclamation programs for the fiscal year, 1969–1970; and

WHEREAS, The President's budget for 1969–1970 includes only $95,029,000 of the amount requested for flood control and water reclamation; and

WHEREAS, The California Water Commission and the State Department of Water Resources has expressed great concern over those projects which were not funded, because it would delay some of the needed projects; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to review the proposed flood control and water reclamation budget for California for the purpose of including within the federal budget those projects which were recommended but deleted so that the development of those projects can be expedited as a means of preventing the loss of further life and destruction of property in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 76

Assembly Concurrent Resolution No. 54—Relative to commemorating the 200th anniversary of El Camino Viejo.

[Filed with Secretary of State March 25, 1969.]

WHEREAS, The modern history of California began in 1769 with the establishment of Mission San Diego de Alcalá by Fray Junípero Serra and the raising of the Spanish flag over the presidio in San Diego by Don Gaspar de Portolá; and

WHEREAS, In that year, Portolá also led an expedition in search of Monterey Bay, as the second mission site, and blazed the beginning of El Camino Viejo; and

WHEREAS, El Camino Viejo started at the San Antonio Rancho of Don Luis Peralta on San Antonio Creek near modern Oakland and terminated in San Pedro and was used for a hundred years or more by early California, falling into disuse only when the West Side branch of the Southern Pacific Railroad was completed in 1890; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby commemorate the 200th anniversary of El Camino Viejo and urge the various counties and communities along its historic route to mark and identify the route with signs, roadside rests, and hiking, bicycling, and riding trails.

RESOLUTION CHAPTER 77

Assembly Concurrent Resolution No. 62—
Relative to the Cabrillo Festival.

[Filed with Secretary of State March 25, 1969.]

WHEREAS, The great and bountiful State of California is now acknowledged and acclaimed as the first state in our nation; and

WHEREAS, This coveted position of leadership is attributable in great measure to the strength and continuing contributions of Californians from many foreign lands; and

WHEREAS, The oldest and most significant of these contributions are those of the Portuguese people and their great nation; and

WHEREAS, Their contributions date from the very discovery of our lands by the intrepid Portuguese navigator and explorer, Juan Rodríguez Cabrillo, in 1542; and

WHEREAS, All the peoples of California take due and justifiable pride in their rich cultural heritage; and

WHEREAS, The state has set forth the week of September 28th for the annual celebration of the discovery of California and the establishment of western civilization upon our lands by Cabrillo and his gallant band; and

WHEREAS, Cabrillo's landing on the shores of San Diego Bay is commemorated and celebrated each year in San Diego and throughout the state; and

WHEREAS, The government and people of the great nation of Portugal have historically joined with the people of California in celebrating this event; and

WHEREAS, The board of directors of Cabrillo Festival, Inc., have elected Almirante Sarmento Rodrigues an honorary director of their organization and conferred upon him the title of Commissioner General of the Cabrillo Festival to the Government of Portugal; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the title of Commissioner

General of the Cabrillo Festival to the Government of Portugal be acknowledged as conferred upon Almirante Sarmento Rodrigues by the directors of Cabrillo Festival; and be it further

Resolved, That this appointment be honored throughout the state and that Almirante Sarmento Rodrigues be extended all the rights and privileges attendant thereto in performance of his commission as personal representative to the government of Portugal for the citizens of California on all matters concerning the accomplishments of Portugal throughout the world, both past and present, but most specifically concerning the annual celebration of the discovery of the West Coast of the United States by Juan Rodríguez Cabrillo on September 28, 1542; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the board of directors of Cabrillo Festival, Inc., and to Almirante Sarmento Rodrigues.

RESOLUTION CHAPTER 78

Senate Concurrent Resolution No. 69—Relative to Spanish-American Veterans Month.

[Filed with Secretary of State March 25, 1969.]

WHEREAS, The year 1898 ushered in the age of modern warfare first fought on a global scale, the same year saw the emergence of the United States as a world power, and the United States was engaged in conflict with Spain from April 21 to August 8, 1898; and

WHEREAS, Seventy-one years have passed since this country fought the battles of the Spanish-American War in which over 300,000 American armed forces members participated in answer to President William McKinley's call to arms; and

WHEREAS, Less than 8,000 of these gallant men and women still survive to answer the muster of Spanish-American War veterans, and less than 1,000 of these courageous fighting men and brave nurses reside in the State of California; and

WHEREAS, Thirty of these distinguished heroes of the Spanish-American War now reside at the Veterans Home of California, Yountville, which opened its doors to accept its first members on April 1, 1884, and has now been established as California Registered Historical Landmark No. 828; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby urges the Governor of the State of California to proclaim the month of April 1969 as Spanish-American Veterans Month and hereby urges that all citizens of California prepare suitable

ceremonies honoring the living and the dead of the Spanish-American War; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 79

Assembly Concurrent Resolution No. 23—Relative to the advisory committee to the Joint Legislative Retirement Committee.

[Filed with Secretary of State March 27, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the existence of the advisory committee to the Joint Legislative Retirement Committee created by Assembly Concurrent Resolution No. 46, Resolution Chapter 84, 1966 First Extraordinary Session of the Legislature, shall terminate upon the adoption of this resolution and its filing in the office of the Secretary of State.

RESOLUTION CHAPTER 80

Assembly Concurrent Resolution No. 66—Relative to the death of former Assemblyman James L. Holmes.

[Filed with Secretary of State March 27, 1969]

WHEREAS, It is with profound sorrow that the Members of the Legislature learned of the untimely death of their long-time colleague, former Assemblyman James L. Holmes; and

WHEREAS, He was born in 1903 in Oklahoma Indian Territory and can trace his lineage back to fighters in the American Revolution; and

WHEREAS, He moved to Santa Barbara, retired from a successful business career in 1946, and became active in community affairs and politics, working on the successful senatorial campaign of President Nixon in 1950; and

WHEREAS, In 1954, when his predecessor in the Assembly announced his retirement, Mr. Holmes was asked by the Republican County Central Committee to take up the banner and run for the office; and

WHEREAS, He was elected member of the 36th Assembly District, comprising Santa Barbara and San Luis Obispo Counties, and was reelected for four terms thereafter; and

WHEREAS, He brought to his legislative duties a broad background and outlook, which served him well as a member of the Assembly Committees on Agriculture, Municipal and County Government, Public Utilities, Manufacturing, Oil and

Mining and as Vice Chairman of the Fairs Allocation and Classification Committee; and

WHEREAS, His interest in progress and in the development of the state was most evinced by his membership on the State Constitution Revision Commission; and

WHEREAS, During his long residence in Santa Barbara, the community was enriched by his efforts as director of the renowned Old Spanish Days Fiesta, past president of the Santa Barbara Republican Men's Club, the Santa Barbara Real Estate Board and the Santa Barbara Shrine Club; and

WHEREAS, He is remembered by his community for his untiring efforts in assisting Community Chest, Red Cross, Crippled Children's Hospital and other fundraising drives for charity; and

WHEREAS, Thousands of grateful constituents would testify that Assemblyman Holmes as a man of honor, who always had the time and concern for their problems and who consistently demonstrated loyalty and devotion to his constituents, his state and his country; and

WHEREAS, All who knew, loved and respected James L. Holmes deeply regret his death; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deep regret at the death of former Member of the Assembly James L. Holmes; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to his wife, Margaret Holmes.

RESOLUTION CHAPTER 81

Assembly Concurrent Resolution No. 95—
Relative to science fairs.

[Filed with Secretary of State March 27, 1969.]

WHEREAS, It has come to the attention of the members that the many science fairs held in California have contributed greatly to the advancement of science and scientific education in California; and

WHEREAS, Science fairs have been responsible for starting many youngsters on the road to a successful and rewarding career in science; and

WHEREAS, Science fairs have also focused attention on science and given well-deserved recognition to many outstanding students, and have indirectly resulted in scholarships and meaningful summer employment to these students; and

WHEREAS, Science fairs have given industry a chance to contribute its services to furthering scientific education and implemented effective communication between scientists in education and industry; and

WHEREAS, The major science fairs held in the state include the Santa Clara Valley Science Fair, San Francisco Bay Area Science Fair, California Central Valley Science Fairs held at Chico, Fresno, Modesto and Sacramento, Tri-County Science Fair at Salinas, Inland Science Fair at Indio, Greater San Diego Science Fair, Orange County Science Fair and the California State Science Fair at Los Angeles; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the various science fairs held in California for their contributions to science and scientific education; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Santa Clara Valley Science Fair, San Francisco Bay Area Science Fair, California Central Valley Science Fairs at Chico, Fresno, Modesto and Sacramento, the Tri-County Science Fair at Salinas, Inland Science Fair at Indio, Greater San Diego Science Fair, Orange County Science Fair and the California State Science Fair at Los Angeles.

RESOLUTION CHAPTER 82

Senate Joint Resolution No. 4—Relative to public lands grazing fees.

[Filed with Secretary of State March 28, 1969.]

WHEREAS, The Public Land Law Review Commission, appointed by Congress, has been holding extensive hearings on public land utilization, and is deeply involved in the factors related to grazing fees and costs; and

WHEREAS, The Congress of the United States is in the process of holding hearings to explore in detail the full economic impact of any major changes in grazing fees on public lands; and

WHEREAS, The grazing fee issue is of extreme economic importance not only to the livestock industry of the West, but also to a great many rural communities which are dependent upon a stable, healthy and continuing livestock industry and to the money generated from grazing livestock on public lands to help finance their schools and county roads; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Secretary of Agriculture and the Secretary of the Interior to place a moratorium on the recently adopted grazing fee schedule for the purpose of reevaluation and to take no further action on grazing fees on public lands until there has been sufficient time to permit full congressional review and hearings of the report to be made by

the Public Land Law Review Commission concerning the results of their current economic studies; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of Agriculture, the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 83

Assembly Concurrent Resolution No. 65—Relative to commending the California centers of Recording for the Blind, Inc.

[Filed with Secretary of State April 3, 1969.]

WHEREAS, It has come to the attention of the Members of the Assembly that Recording for the Blind, Inc., operates three lending library centers in California which are worthy of the highest commendation for their outstanding rehabilitation of the blind; and

WHEREAS, Recording for the Blind, Inc., provided in 1968 over 26,000 recorded books to over 4,000 borrowers including approximately 1,500 elementary and high school students, 1,500 college and graduate students, and 1,000 adults; and

WHEREAS, Its lending libraries throughout the nation have over 12,000 titles available on discs and tape in all major fields of learning and in 14 foreign languages, and are adding from 200 to 300 new titles each month; and

WHEREAS, Thousands of the group's students using the "eyes of their minds" have advanced on the academic ladder, many earning advanced degrees and contributing to our society in a remarkable way; and

WHEREAS, The nonprofit corporation relies entirely on contributions and voluntary service and provides invaluable assistance free of charge so that California's blind can have greater opportunity to learn; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members heartily commend the San Francisco, Los Angeles, and Pomona Valley centers of Recording for the Blind, Inc., for their outstanding and invaluable work in rehabilitating the blind and opening up avenues of opportunity for full participation in our society; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the San Francisco, Los Angeles, and Pomona Valley centers of Recording for the Blind, Inc.

RESOLUTION CHAPTER 84

Assembly Concurrent Resolution No. 69—Relative to Invest-in-America Week.

[Filed with Secretary of State April 3, 1969]

WHEREAS, Throughout the United States it is the desire of practically every American to have an investment in savings, homes, farms, insurance, and securities; and

WHEREAS, The economic growth experienced in California, as well as throughout the United States, has been based on the investment of individual savings and retained earnings of businesses which, combined, have created opportunities, jobs, and higher wages for all; and

WHEREAS, An understanding of the interrelationship of savings to the growth of our economy is fundamental; and

WHEREAS, Invest-in-America provides all of us with an opportunity to reaffirm our understanding that every citizen is an investor; and

WHEREAS, Invest-in-America has the universal support of practically every segment of our society throughout California and the nation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning April 27, 1969, as "Invest-in-America Week" throughout the State of California, and all citizens be encouraged to join in reaffirming their faith in our American way of life; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, and transmit a suitably prepared copy of this resolution to the Invest-in-America Week Committee for Northern California.

RESOLUTION CHAPTER 85

Assembly Concurrent Resolution No. 71—Relative to proclaiming the week of June 14 through June 21 as National Painting and Decorating Week.

[Filed with Secretary of State April 3, 1969]

WHEREAS, The skillful painting and decorating of homes in the State of California have contributed to California's reputation as an attractive and progressive state; and

WHEREAS, The president of the Painting and Decorating Contractors of America has urged that a special week be designated for a nationwide campaign to paint and decorate our homes and property; and

WHEREAS, Through the generosity of various painting contractors, many buildings each year are improved and brightened at no cost to the occupant; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim the week of June 14 through 21, 1969, as "National Painting and Decorating Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Governor Reagan and the president of the Painting and Decorating Contractors of America.

RESOLUTION CHAPTER 86

Assembly Concurrent Resolution No. 73—Relative to commending the Honorable William Patrick Clark, Jr.

[Filed with Secretary of State April 3, 1969]

WHEREAS, It was with great pleasure that the Members of the Assembly learned of the appointment of William Patrick Clark, Jr., to the superior court in San Luis Obispo County and his assumption of the duties of his new office on January 31, 1969; and

WHEREAS, Bill Clark is a member of a pioneer Ventura County family as his grandfather, Robert Emmett Clark, came to the Ojai Valley in 1881 and served as a sheriff and United States marshal, and his father, William Patrick Clark, Sr., served as Police Chief of Oxnard; and

WHEREAS, A fourth-generation Ventura County resident, Bill Clark was born October 23, 1931, in Oxnard, and, after attending Villanova Preparatory School, he graduated from Stanford University before serving his country in the United States Army Counter Intelligence Corps from 1954 to 1956; and

WHEREAS, Bill Clark attended Loyola University Law School at night from 1956 to 1958 while working as an insurance adjuster, and, eligible to take the California State Bar examination after 2½ years of study, he passed the examination in the spring of 1958 and commenced the practice of law in Oxnard the day following his admission; and

WHEREAS, After serving as gubernatorial county campaign manager in 1966, he was the fourth person appointed by Governor Ronald Reagan to his cabinet, and served as cabinet secretary from 1966 to 1967 when he was appointed executive secretary, a position he held until his resignation to assume his present duties; and

WHEREAS, Possessing a capacity for work and a devotion to duty shared by few men, Bill Clark was deeply involved in the decisionmaking process in the Governor's office, and, show-

ing a talent for innovation as well as administration, he originated the "mini-memo" system which briefs the Governor on the status of issues and assists in the formulation of decisions which become policy; and

WHEREAS, Always active in community activities as the owner of an 880-acre cattle and grain ranch in San Luis Obispo County, he has served as president of the Villanova Alumni Association and as a member of Stanford Associates, Rancheros Visitadores, and the Farm Bureau Federation; and

WHEREAS, He and his gracious wife, the former Joan M. Brauner of Munich, Germany, are the proud parents of five lovely children: Monica, Peter, Nina, Colin, and Paul; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the Honorable William Patrick Clark, Jr., for his outstanding service to the citizens of California as a member of the Governor's cabinet from 1966 to 1968, congratulate him upon his appointment to the superior court in San Luis Obispo County, and wish him continued success in all his future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Honorable William Patrick Clark, Jr.

RESOLUTION CHAPTER 87

Assembly Concurrent Resolution No. 76—Relative to memorializing Pat Nolet.

[Filed with Secretary of State April 3, 1969]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death of Pat Nolet, a distinguished civic and industrial leader; and

WHEREAS, Pat Nolet was born in Los Angeles and came in 1936 to Merced, where the firm of Miles and Sons was founded and, under his guidance as president and chairman of the board of directors, grew to become one of the largest transportation operations in the state and the largest year-round industry in Merced, employing today some 850 persons and consisting of two major corporations, Miles and Sons Trucking Service and Miles Motor Transport System; and

WHEREAS, Devoting much of his time and energies to the betterment of his community, Pat Nolet was active in numerous civic affairs as chairman of the advisory board of Mercy Hospital in Merced, as a member of the board of directors of the Merced County Fair and president of the board from 1965 through 1967, as the head of various charity fundraising cam-

paigns, such as chairman of the Salvation Army Fund drive and director of the United Fund, and as a member of the Merced Chamber of Commerce, the Merced Boosters, and the Merced Development Association; and

WHEREAS, Among his business and professional activities, he was a member of the board of directors of Standard Materials, of the Fresno Guarantee Savings and Loan Association, and of the Transport Indemnity Insurance Company; was active for many years with the California Trucking Association; and was president of the Truck Owners Association and vice president of the Western Highway Institute; and

WHEREAS, His many notable achievements and outstanding contributions to the community will long be remembered and serve as an inspiration to all Californians; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deep regret on the passing of Pat Nolet and extend their sincere condolences to his family and many friends; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the widow of Pat Nolet, Mrs. Patricia Louise Nolet, and to his son, William M. Nolet, his daughter, Laurie Jane Nolet, his brother, W. W. Miles, and his sisters, Mrs. Leontine Blair and Mrs. Kathleen Howell.

RESOLUTION CHAPTER 88

Assembly Concurrent Resolution No. 101—Relative to commending the City of Bakersfield on its centennial year.

[Filed with Secretary of State April 3, 1969.]

WHEREAS, It has come to the attention of the Members of the Legislature that 1969 is the 100th anniversary of Bakersfield's founding; and

WHEREAS, There will be a centennial parade on April 19 in conjunction with the second annual Kern County Museum Heritage Day on April 19 and 20; and

WHEREAS, The proud city of Bakersfield got its start in 1869 when the Havilah Courier moved to Bakersfield, becoming the Kern County Courier, and the first public school, Kern Island School, was established; and

WHEREAS, The town was surveyed and laid out by Colonel Thomas Baker and General William J. Palmer and became the county seat; and

WHEREAS, Bakersfield began with only 600 "pioneers" in 1869 and now is a thriving city; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate the citizens of Bakersfield on their centennial celebration and com-

mend their leaders on their outstanding civic achievement; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Bakersfield City Council and the Board of Supervisors of Kern County.

RESOLUTION CHAPTER 89

Senate Concurrent Resolution No. 27—Relative to the Joint Committee on Legislative Building Space Needs.

[Filed with Secretary of State April 7, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Committee on Legislative Building Space Needs as created and empowered by Senate Concurrent Resolution No. 91 (Res. Ch. 242, Stats. 1968) and as duly constituted thereunder is hereby continued in existence until the first day of the 1970 Regular Session of the Legislature, with authority to file its first report not later than the fifth legislative day of that session, and with the same powers and responsibilities as heretofore exercised; and be it further

Resolved, The any unexpended money remaining from the sum made available to such committee from the Contingent Funds of the Assembly and Senate by Resolution Chapter 242 of the Statutes of 1968 is hereby made available to the committee for the same purposes on the same terms and conditions as heretofore.

RESOLUTION CHAPTER 90

Senate Concurrent Resolution No. 59—Relative to California's industrial and business climate.

[Filed with Secretary of State April 10, 1969.]

WHEREAS, The fullest economic potential must be exploited in order to achieve employment for the state's growing population; and

WHEREAS, The California Legislature believes that the creation of new jobs and tax-supporting enterprises by the state's business community, through capital investment and individual initiative, is necessary for California to supply jobs for the evergrowing work force and remain in its preeminent position in the United States of America; and

WHEREAS, Efforts to attract new industries must be accelerated, thereby continuing California's competitive position as a top industrial state; and

WHEREAS, New markets for California farm and factory products must be tapped, thereby bringing new wealth into

the state and raising the standard of living of all Californians; and

WHEREAS, A favorable environment for business growth and development in California must be encouraged—such environment being composed of attitudes of government and other groups in fields which are economic, political and social; and

WHEREAS, The actions of legislative and regulatory bodies to improve the environment in which business and industry operate contribute directly to continuing prosperity of all Californians; and

WHEREAS, Industries seeking new industrial locations are greatly concerned about the relative business climate conditions prevailing among the several states; and

WHEREAS, Fostering a favorable business climate is in the public interest and can be achieved without discriminating against any other interest in California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, in its deliberations henceforth, shall give primary consideration to, among other items, the expansion of job opportunities, stimulation of capital investment and encouragement of individual initiative in California; and be it further

Resolved, That the Members of this Legislature hereby request the Governor, as well as directors of the various state departments, to examine their own discretionary actions and orders which relate to business, industry, and agriculture, in terms of the effect of such governmental actions on job-payroll opportunities in California industry; and be it further

Resolved, That the State Legislature reaffirm its dedication to fair treatment in legislation and regulation for all segments of the state's economy; to equitable tax policies; and to impartial treatment for labor and management in their relationship with government; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Secretary of State, the State Controller, the State Treasurer and the head of each principal department and regulatory body in the state government.

RESOLUTION CHAPTER 91

Assembly Joint Resolution No. 5—Relative to restricting minors from entering Mexico.

[Filed with Secretary of State April 11, 1969.]

WHEREAS, The use of narcotics by minors has become an extremely serious problem in the State of California; and

WHEREAS, There is ample evidence that considerable quantities of narcotics are brought into the State of California by minors across the California-Mexican border; and

WHEREAS, The situation is of particular concern to those cities in the southern part of the state and close proximity to the Mexican border; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to conduct hearings in southern California to consider the closing of the California-Mexican border to minors unless they are accompanied by a parent or other responsible adult; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 92

Assembly Joint Resolution No. 7—Relating to federal indemnity for tuberculosis or brucellosis reacting cattle.

[Filed with Secretary of State April 11, 1969.]

WHEREAS, As originally conceived, the loss incurred for cattle slaughtered because they were found to be tuberculosis or brucellosis reactors was to be equally apportioned one-third to the state, one-third to the federal government, and one-third to the owner of the animal; and

WHEREAS, This formula is only just and equitable in view of the benefit to the state and nation from this program of disease control; and

WHEREAS, Both the federal and state implementing statutes and regulations provide for a maximum amount to be paid for each such grade animal or purebred animal; and

WHEREAS, The California maximum is $50 for a grade animal and $75 for a purebred animal for tuberculosis reactors, and is $75 for a grade animal and $100 for a purebred animal for brucellosis reactors, but the federal maximum is only $25 for a grade animal and $50 for a purebred animal for both diseases; and

WHEREAS, It is proposed that the maximum share for the State of California be raised to $100 for any grade animal and $125 for any purebred animal for both diseases; and

WHEREAS, The unrealistic federal maximum results in the owner of the animal being required to bear a substantially disproportionate share of the loss, as illustrated by a recent survey in California; and

WHEREAS, The only fair and just share of the federal government would be the contemplated one-third share; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Congress of the United States and the U.S. Department of Agriculture are respectfully requested to take immediate steps to provide for the federal share of indemnity for slaughtered tuberculosis or brucellosis reacting cattle to be raised to $100 for grade animals and $125 for pure-bred animals; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Agriculture, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 93

Assembly Concurrent Resolution No. 74—Relative to Mexican-American Education Week.

[Filed with Secretary of State April 11, 1969.]

WHEREAS, Since the founding of the first Spanish settlement on California soil in 1769, the exploration of this state was led by the teaching padres, whose task it was to build colonies and bring education and agriculture to California; and

WHEREAS, California's early mission buildings and vast ranches were the start of our present day agricultural and ranching industries; and

WHEREAS, California's excellence in education is an outgrowth of early mission schools, and California's map abounds with Spanish place names; and

WHEREAS, There has been a steady migration of Mexican bloodlines from south of the border so that Mexican-Americans now comprise more than 10 percent of California's population as an integral part of our rich heritage; and

WHEREAS, Mexican-Americans do not participate to the extent their numbers and abilities warrant and Californians have a special obligation to involve them in the social, economic, political and cultural life of this state; and

WHEREAS, Cultural awareness includes informing all Californians of the contributions of Mexican-Americans to our heritage and of California's role in improving and enhancing the betterment of this group from early childhood through higher education; and

WHEREAS, Unlimited possibilities in California's future, through broadened and expanded educational opportunities, are being opened to Californians of Mexican descent, who should be encouraged to take advantage of these opportunities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request Gover-

nor Reagan to proclaim the week of October 12–18, 1969, as Mexican-American Education Week, and urge all Californians to participate in this significant occasion; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 94

Assembly Concurrent Resolution No. 80—Relative to proclaiming the month of March 1969 as American Legion 50th Anniversary Month.

[Filed with Secretary of State April 11, 1969.]

WHEREAS, The American Legion was founded in 1919, shortly after the cessation of World War I hostilities, as an organization of wartime veterans dedicated to continuing service to God and country; and

WHEREAS, The American Legion this year is observing its 50th year as a fraternity of service with a membership encompassing four generations of war veterans; and

WHEREAS, Its major contributions to American thought and deed and its endeavors to strengthen our freedom and to perpetuate our free institutions have identified the American Legion as one of the great bulwarks of the American way of life; and

WHEREAS, The American Legion has achieved its position of high esteem through its programs of service to community, state and nation; and

WHEREAS, Such programs have become an integral part of California, and the local American Legion organization a civic asset; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request Governor Reagan to proclaim the month of March 1969 as American Legion 50th Anniversary Month, and to call upon all citizens, business houses, and organizations to join with us in commending the good works of this organization as an expression of our appreciation of both the wartime and peacetime services of our Legionnaires; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 95

Assembly Concurrent Resolution No. 91—Relative to the observance of Secretaries' Week.

[Filed with Secretary of State April 11, 1969.]

WHEREAS, The American secretary is resolved to maintain the highest professional and personal ethics in her increasingly vital role in the modern complexities of business, industry, government and education; and

WHEREAS, Secretarial work has attained the status of exacting and highly qualified career work; and

WHEREAS, The American secretary believes that her diligence should be directed to increased learning, efficiency, and loyalty in making ever more valuable her contribution to the office in which she is employed; and

WHEREAS, The last full week in April is set aside each year by the Secretary of Commerce to honor all American secretaries; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is urged to proclaim the week of April 20 through 26 as Secretaries' Week and April 23 as Secretaries' Day throughout the State of California and the members urge business and the secretary alike to pay tribute to the "First Lady of American Business" by honoring all secretaries for their services to the community and to the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Governor, the President of the California Division, National Secretaries' Association (International), Constance McCauley, and to the California Chairman of Secretaries' Week, for the National Secretaries' Association, Mrs. Barbara Gibson.

RESOLUTION CHAPTER 96

Assembly Concurrent Resolution No. 100—Relative to Camp Fire Girls' Birthday Week.

[Filed with Secretary of State April 11, 1969]

WHEREAS, The Camp Fire Girls commemorate the 59th anniversary of Founder's Day on March 17th and the week of March 23 through March 29, 1969, as Camp Fire Girls' Birthday Week; and

WHEREAS, The Camp Fire Girls offers programs through which a girl can gain valuable knowledge of herself and others, understanding of her own interests and abilities, and opportunities to serve as a mature and independent person; and

WHEREAS, The major aim of this vital youth organization for girls is significant involvement and through the guidance of trained volunteers, girls advance into specialized activities in 25 fields of interest; and

WHEREAS, The activities of the Camp Fire Girls include learning skills applicable to their future life in business, home and community and engaging in projects and programs for the betterment of their community; and

WHEREAS, Typical of their activities is their involvement in conservation projects in their home communities as a result of a recent conference, a "Conservation Be-In," for teenage members to explore and study various controversial issues in target areas and their pilot program to reach girls from low-income families which is proving invaluable both to inner-city volunteer leaders and girls who are being made aware of the vast new wonders of the world in which they live; and

WHEREAS, It is appropriate during this 59th anniversary of Founder's Day that the entire community join in honoring the Camp Fire Girls, its members and its volunteer leaders, for the excellent work in which they are participating; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim the week of March 23 through March 29, 1969, as "Camp Fire Girls' Birthday Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Governor Reagan and to the Camp Fire Girls.

RESOLUTION CHAPTER 97

Assembly Concurrent Resolution No. 113—Relative to Environmental Health Week.

[Filed with Secretary of State April 11, 1969.]

WHEREAS, The health and safety of all Californians are of prime importance in the continuing development and growth of this state; and

WHEREAS, Public health sanitarians are the persons who enforce the health and safety regulations on both the county and state levels; and

WHEREAS, These regulations relate to essential facets of a person's environment, such as the hygiene of housing, food service facilities, recreation, solid and liquid waste, water supply, vector control and air pollution; and

WHEREAS, The public health sanitarian is highly qualified and trained in the field of environmental health, and has passed an examination before the State Director of Public Health for certification as a registered sanitarian, and is entitled to engage in activities in the field of environmental sanitation in the State of California; and

WHEREAS, The California Association of Sanitarians will host its annual educational conference in the City of Fresno on April 17 and 18, 1969; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of April 13 to April

19, 1969, is hereby proclaimed Environmental Health Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the California Association of Sanitarians.

RESOLUTION CHAPTER 98

Assembly Joint Resolution No. 11—Relative to offshore oil and gas operations.

[Filed with Secretary of State April 14, 1969.]

WHEREAS, The great scenic beauty of the California coastline and the coastal fish and wildlife resources of the state are threatened with imminent damage and destruction from a massive flow of crude petroleum from an oil leak at an oil and gas operation off the Santa Barbara coast; and

WHEREAS, Such operations are under federal regulation and the State of California has had no voice in the granting of offshore oil and gas leases by the federal government, although the terrible danger these operations represent to the coastal resources of the state is now tragically evident; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to obtain the approval of the State of California with respect to any future oil and gas exploration or development operations off the California coast prior to the permitting of such operations on federal lands; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 99

Assembly Joint Resolution No. 20—Relative to federal assistance to storm- and flood-damaged businesses.

[Filed with Secretary of State April 14, 1969.]

WHEREAS, Many areas in California were devastated by recent storms and floods causing untold damage to, and destruction of, places of business; and

WHEREAS, The Governor of California has declared 27 counties in the state as disaster areas so victims of such storms

and floods may be assisted in the repair of their properties and other relief; and

WHEREAS, The businesses which were destroyed and damaged by such storms and floods are in dire need of federal assistance; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide assistance to businesses damaged or destroyed by storms and floods by either providing funding to implement existing aid programs or providing a new aid program; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 100

Assembly Concurrent Resolution No. 78—Relative to proclaiming Children With Learning Disabilities Week.

[Filed with Secretary of State April 14, 1969.]

WHEREAS, It is of vital concern to us all that the best possible training and education be afforded those children who have learning disabilities in order that they may take their places in our society as productive and responsible citizens, their potentialities fully developed and fully realized; and

WHEREAS, Further study and research are necessary in this important area of education, special programs must be developed, and new methods of teaching devised, and this task can only be carried forth with the firm support of an informed citizenry; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim May 11 to May 17 as Children With Learning Disabilities Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 101

Assembly Concurrent Resolution No. 79—Relative to "Antilitter Month."

[Filed with Secretary of State April 14, 1969.]

WHEREAS, Despite her explosive population growth, economic development and urbanization, California is still one of the cleanest and most beautiful states in the nation; and

WHEREAS, Public awareness is needed for improving the existing conditions that relate to and affect the appearance of the highways and byways of the state; and

WHEREAS, It is all-important that Californians not fall into a state of complacency regarding their surroundings, and it is only through the individual support of all its citizenry that California will remain clean and beautiful; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby request the Governor to proclaim the month of May as California "Antilitter Month" to help reduce the $50 million annual cost of litter pickup, and urge all Californians to support this proclamation by individually contributing to maintaining and furthering the beauty of this great state by refraining, and encouraging others to refrain, from littering public as well as private property with papers, cans, bottles and other refuse; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 102

Assembly Concurrent Resolution No. 81— Relative to proclaiming Square Dance Week.

[Filed with Secretary of State April 14, 1969]

WHEREAS, More and more Californians are participating in square dancing, and there are now some 50,000 square dancers throughout this state; and

WHEREAS, Since the days when covered wagons crossed the vast wilderness which was America, square dancing has been not only a form of family recreation, but it contributes to physical fitness as well; and

WHEREAS, There is a growing recognition of this national dance that is truly American; and

WHEREAS, There is a large number of associations of square dancers in this state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the week beginning September 7, 1969, as "Square Dance Week," and inviting the people of California to participate in this great sport and tradition; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 103

Assembly Concurrent Resolution No. 107—Relative to "Cancer Control Month."

[Filed with Secretary of State April 14, 1969.]

WHEREAS, The American Cancer Society estimates that approximately 85,000 Californians will be under treatment for cancer in 1969; and

WHEREAS, It is estimated that the lives of one-half of these patients could be saved through early detection and treatment; and

WHEREAS, One-third of the state's cancer patients can now be reasonably sure of survival, while an additional one-sixth remains in serious danger of dying needlessly because of delays in treatment or recognition of the disease; and

WHEREAS, A major purpose of the American Cancer Society's annual Cancer Crusade is to help alert the citizens of this state to the ways in which cancer can most readily be prevented or detected; and

WHEREAS, This lifesaving activity is deserving of the commendation and support of all Californians; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to proclaim April 1969 as "Cancer Control Month," and to urge the fullest possible participation by the people of California in the American Cancer Society's Cancer Crusade; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 104

Senate Concurrent Resolution No. 74—Relative to Private Education Week.

[Filed with Secretary of State April 14, 1969.]

WHEREAS, A significant percentage of students of the State of California are receiving their education in private educational institutions; and

WHEREAS, Private education is supported by other than public funds, although the constituents of private education pay their share of taxes supporting public schools; and

WHEREAS, The State of California is relieved of the tax burden associated with the education of those students enrolled in private educational institutions; and

WHEREAS, Private educational institutions date from the earliest history of our nation, having produced some of its greatest leaders; and

WHEREAS, The existence of private educational institutions represents faith in the United States of America, its ideals and institutions; and

WHEREAS, Private education seeks to exemplify those human qualities that inspire character and wholesome citizenship; and

WHEREAS, Private education provides a healthy balance of competition to public education, thus assuring quality for both systems; and

WHEREAS, The private educational institutions in the State of California wish to celebrate "Private Education Week" November 17–21, 1969; and thereafter the third week of November of each year; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members commend the teachers and administrators of all the private educational institutions in the State of California for their tireless dedication to the education and training of the youth of this state enrolled in private schools, urge the Governor to proclaim November 17–21, 1969, as Private Education Week, and join with all of the people of California in celebrating this week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 105

Senate Concurrent Resolution No. 97—Relative to congratulating Palo Alto on its 75th Anniversary.

[Filed with Secretary of State April 15, 1969.]

WHEREAS, The site of the City of Palo Alto was discovered in November 1769 by Spanish explorers under the command of Don Gaspar de Portolá, who camped beside San Francisquito Creek under a centuries-old redwood tree, naming it El Palo Alto, meaning "the tall stick"; and

WHEREAS, The city was founded in 1889 as University Park and later renamed in 1892 as Palo Alto after the Palo Alto Farm established by Senator Leland Stanford, which later became the site of Stanford University; and

WHEREAS, In January 1893, when the Palo Alto Times was first published, the population of Palo Alto reached 400; the city was incorporated on April 16, 1894, and in 1925, following a heated annexation campaign, Mayfield became a part of the city, increasing the population of 9,000 by 1,700, thus insuring the continued growth of Palo Alto as a fine community of superior residential qualities for its present 58,000 residents; and

WHEREAS, It is the home of the world-renowned Stanford University, ranked as one of the top 10 universities in the nation, founded "where the rolling foothills rise" in 1891 by Senator Stanford, who declared, after the untimely death of his 16-year old son, Leland Stanford, Jr., in 1884, that "the children of California shall be my children"; and

WHEREAS, Largely through the pioneering work in electronics by the Varian Brothers and Hewlett-Packard, Palo Alto has become one of the two electronic industry centers in the nation; and

WHEREAS, With two veterans' hospitals, the Palo Alto Medical Research Foundation, the Palo Alto Clinic, and the School of Medicine, Medical Center, and Hospital Center of Stanford University, the city has become a center of medical research, as exemplified by the first implantation of the human heart in this country; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members congratulate the City of Palo Alto upon the occasion of its 75th anniversary and commend its citizens for their contribution to the growth of California; and be it further

Resolved, That the Governor is requested to proclaim April 16, 1969, as "Palo Alto Day"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to the Honorable Frances K. Dias, Mayor of Palo Alto.

RESOLUTION CHAPTER 106

Senate Concurrent Resolution No. 77—Relative to proclaiming the week of April 13–20, 1969, as International Want Ad Week.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, The want ad is one of the most important services offered by newspapers to their readers; and

WHEREAS, The origin of the idea of want ads, or classified advertising, is many times older than the history of newspapers, but it was with the advent of newspapers that want ads really came into their own, and from that day to this, want ads have made up an integrally important part of the content of the newspaper; and

WHEREAS, The want ad is the communication medium between seller and buyer, service needed and service wanted, and employer and prospective employee; and

WHEREAS, Informality, ease of preparation, and relative low cost are benefits provided by the want ad; and

WHEREAS, Messages in the want ad reflect the mood and time of its respective generations of readers; and

WHEREAS, The want ad provides daily entertaining and informative reading to the public; and

WHEREAS, International Want Ad Week, approximately 50 years old, and sponsored by the Association of Newspaper Classified Advertising Managers, is a week when newspapers throughout the world promote their want ad section; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating the week of April 13–20, 1969, as International Want Ad Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 107

Assembly Concurrent Resolution No. 77—Relative to Public Schools Week.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, Public Schools Week, an event which has been observed in California since 1919, will be celebrated April 21 through April 25, 1969; and

WHEREAS, Continuing faith in American ideals and institutions, and the social and economic stability of the state and the nation, depend upon free public education; and

WHEREAS, California has achieved notable success in the field of education under an arrangement whereby the state has shared with local communities its responsibility for maintaining an effective system of free public schools; and

WHEREAS, The purpose of Public Schools Week is to renew the dedication of the citizens of California to the continuation and improvement of our system of free public schools; and

WHEREAS, Public Schools Week has been sponsored each year since its inception by the Grand Lodge of California, Free and Accepted Masons; and

WHEREAS, Public Schools Week affords every citizen of the state the opportunity to remain informed about the public schools in his community; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members acknowledge Public Schools Week, April 21 through 25, 1969, and commend this annual event and its sponsors and all the public schools of California for enhancing public understanding of the work of the dedicated teachers and administrators to whom are entrusted the education and training of the future citizens of this state; and be it further

Resolved, That the members request the Governor to proclaim April 21 through 25, 1969, as Public Schools Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 108

Assembly Concurrent Resolution No. 138—Approving amendments to the Charter of the City of Glendale, County of Los Angeles, State of California, ratified by the qualified electors of the city at a municipal election held therein on the first day of April, 1969.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Glendale, a municipal corporation in the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENT BY ELECTORS OF THE CITY OF GLENDALE

State of California
County of Los Angeles } ss.
City of Glendale

We, Kenneth R. Stephens, Mayor of the City of Glendale, and John H. Walters, City Clerk and ex-officio Clerk of The Council of the City of Glendale, do hereby certify and declare as follows:

That the City of Glendale, in the County of Los Angeles, State of California, is now, and was at all of the times mentioned herein, a city containing a population of more than fifty thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That the City of Glendale is now, and was at all of the times herein mentioned, organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of the City at a special municipal election held for that purpose on the 29th day of March, 1921, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 11th day of May, 1921 (Assembly Concurrent Resolution No. 30, Chapter 71, Statutes 1921, p. 2205).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, The Council of the City of Glendale, being the legislative body of the City, on its own motion by Resolution No. 16,166 adopted on the 29th day of October, 1968; by Resolution No. 16,169 adopted on the 29th day of October, 1968, and by Resolution No. 16,186 adopted on the 26th day of November, 1968, duly and regularly submitted to the qualified electors of the City three proposals for the amendment of the Charter of the City of Glendale, which were designated Charter Amendment No. 1, Charter Amendment No. 2, and Charter Amendment No. 3 respectively; and The Council ordered that the said proposed Charter amendments be submitted to the qualified electors of the City at a special municipal election to be held in the City on the 1st day of April, 1969, which date was fixed in the said resolutions as the date for holding the special municipal election.

That on the 18th day of February, 1969, the proposed Charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution, in the Glendale News-Press, the official newspaper of the City and a newspaper of general circulation therein, and in each edition thereof during the day of publication.

That copies of the proposed Charter amendments were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of the City; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 18, 1969, to and including April 1, 1969; and a notice was advertised and published on and from February 18, 1969, until March 31, 1969, in the Glendale News-Press, a newspaper of general circulation in the City, that copies thereof might be had at the office of the City Clerk upon application therefor.

That The Council of the City did, by ordinance designated as Ordinance No. 3843, which was duly passed on the 25th day of February, 1969, order the holding of a general and special municipal election in the City of Glendale on the 1st day of April, 1969, which date was not less than forty days, and not more than sixty days after the completion of the publication of the proposed Charter amendments as aforesaid, which said ordinance was published once a week for two weeks prior to the time for the holding of said election, to wit: on March 12, 1969, and March 19, 1969, pursuant to the provision of the Charter of the City of Glendale, in the Glendale News-Press; and The Council did by ordinance order the Special Municipal Election consolidated with the General Municipal Election to be held in the City on the 1st day of April, 1969.

That the Special Municipal Election was held in the City of Glendale on the 1st day of April, 1969, which day was not

less than forty days, and not more than sixty days after the proposed amendment to said Charter had been published in the Glendale News-Press.

That thereafter The Council of the City of Glendale did in the manner provided by law duly and regularly canvass the returns of the Special Municipal Election and did, by resolution adopted April 7, 1969, duly declare the results of the Special Municipal Election as determined from the canvass of the returns thereof.

That at the Special Municipal Election, Charter Amendment No. 1 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 1 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 1

Section 11 of Article VI of the Charter of the City of Glendale is amended to read:

"(Article VI) Section 11. Official Advertising. All official advertising of the city shall be done in one or more newspapers of general circulation, as defined by the laws of the State of California, which shall be published in the City of Glendale. The council shall annually call for bids for such advertising pursuant to specifications which shall first be approved by the council, and shall award any and all such contracts to the lowest responsible bidder; provided, that the council may reject all bids and may again call for bids; and provided further, that no defect or irregularity in proceedings taken under this section shall invalidate any publication when the same is otherwise in conformity to law or this Charter."

That at the Special Municipal Election, Charter Amendment No. 2 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 2 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 2

Section 6 of Article VI of the Charter of the City of Glendale is amended to read:

"(Article VI) Section 6. Ordinances generally. The enacting clause of every ordinance passed by the council shall be: 'Be it ordained by the Council of the City of Glendale.' The enacting clause of every ordinance initiated by the people shall be: 'Be it ordained by the people of the City of Glendale.' At least five days must elapse between the introduction and the final passage of any ordinance; provided, that amendment germane to the subject of any proposed ordinance may be made when it is brought up for final passage; and provided further, that in case of an extraordinary epedemic or any disaster, such as flood, fire or earthquake, requiring immediate

action on the part of any public authorities, an emergency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. Every ordinance must be signed by the mayor and attested by the clerk. Notice thereof shall be published once in a newspaper of general circulation. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

In the publication of every ordinance the advertisement shall contain a statement of the title, number and date of the ordinance, a brief statement of the nature of the ordinance, and a reference to a copy of the ordinance which shall be on file and available for public inspection at all reasonable times in the office of the city clerk."

That at the Special Municipal Election, Charter Amendment No. 3 was ratified by a majority of the electors of the City voting thereon.

That Charter Amendment No. 3 so ratified by the electors of the City of Glendale is in words and figures as follows:

Charter Amendment No. 3

Section 6 of Article XXIV of the Charter of the City of Glendale is amended to read:

"(Article XXIV) Section 6. Preferences. Nothing herein contained shall prevent or modify the giving of preferences in appointments in the classified service to veterans, widows of veterans, and wives of disabled veterans as such persons may be defined and such preferences now or hereafter may be authorized by the council."

We further certify that we have compared the text of each of the foregoing Charter Amendments with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true, correct and exact copy of each of said original proposals. That as to said Charter Amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Glendale to be affixed hereto, this 7th day of April, 1969.

KENNETH R. STEPHENS
(SEAL) Mayor of the City of Glendale
JOHN H. WALTERS
City Clerk of the City of Glendale

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as herein above set forth, have been and

now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Glendale, County of Los Angeles, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City ot Glendale, County of Los Angeles.

RESOLUTION CHAPTER 109

Assembly Concurrent Resolution No. 88—Relative to Soil Stewardship Week.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, The Ladies' Auxiliary of the California Association of Soil Conservation Districts has been appointed by that organization to publicize and encourage the observance of Soil Stewardship Week; and

WHEREAS, Many soil conservation districts throughout the state purchase and distribute Soil Stewardship Week material; and

WHEREAS, The officers and members of the ladies' auxiliary, as well as the officers and directors of the various soil conservation districts, are vitally interested in the preservation of our abundant natural resources; and

WHEREAS, It is more important than ever before in the history of man to recognize man's responsibility to protect and use wisely the precious gifts of soil, water and all our natural resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is altogether fitting that we should set aside a week when we express unto God our gratitude for His blessings upon our land and our willingness to be faithful to our stewardship; and be it further

Resolved, That the Legislature respectfully requests the Governor to declare the week of May 11 to 18, 1969, as Soil Stewardship Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor of California.

RESOLUTION CHAPTER 110

Assembly Concurrent Resolution No. 89—Relative to National Insurance Women's Week.

[Filed with Secretary of State April 17, 1969]

WHEREAS, The National Association of Insurance Women is the largest single professional women's group in the United States, with membership totaling approximately 14,000; and

WHEREAS, The National Association of Insurance Women has made significant contributions to a vital segment of the economy of California and the nation; and

WHEREAS, The members of the association hold prominent and responsible positions in the business community; and

WHEREAS, In addition to the advancements and achievements of this group of professional women, the members of the National Association of Insurance Women are also to be congratulated on their participation in educational projects on local, state, and national levels; and

WHEREAS, This is exemplified by the members in California who have so generously given of their time and abilities to work with the USO, the muscular dystrophy auctions, safety councils throughout the State of California, and driver improvement courses; and

WHEREAS, This dual role in the business world and in the community is worthy of highest praise; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the National Association of Insurance Women and request the Governor to proclaim the week of May 18, 1969, through May 24, 1969, as National Insurance Women's Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 111

Assembly Concurrent Resolution No. 90—Relative to Future Business Leaders of America Week.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, The future economic growth of our nation will depend in large measure on those who will be our business leaders in years to come; and

WHEREAS, The Future Business Leaders of America is an organization created by the United Business Education Association to serve young adults majoring in business education courses in high schools and colleges throughout the United States; and

WHEREAS, The Future Business Leaders of America is financed entirely by the student members, who realize that their interest in their own future will serve also to influence their country's future; and

WHEREAS, During the week of April 21 to 27, 1969, the nearly 150 high school chapters throughout California will be carrying on special programs of community service; and

WHEREAS, On April 25, nearly 600 young delegates will convene in Sacramento for the 20th annual state convention of the Future Business Leaders of America; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to issue a proclamation declaring the week of April 21 to 27, 1969, as Future Business Leaders of America Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 112

Assembly Concurrent Resolution No. 94—Relative to commending the California Farm Bureau Federation on its golden anniversary.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, The California Farm Bureau Federation is commemorating its golden anniversary as the organizational tool through which the farmers have worked to improve their farming methods and conditions, to reduce their costs, and to improve their marketing capability; and

WHEREAS, The Farm Bureau was organized in November 1919, to coordinate the efforts of 32 county farm bureaus with a then combined membership of 24,168 which had been formed to be the channels through which county farm advisers and extension specialists of the University of California would work in bringing to the individual farm operator and his family the latest in agricultural research; and

WHEREAS, The Farm Bureau did not merely confine itself to educational activities, but helped to form many marketing cooperatives and organizations to aid the farmer to obtain a fair market price for his products and was instrumental in obtaining the enactment of the California Marketing Act in 1937 under which the State Marketing Orders are operated; and

WHEREAS, Its enlightened attitude led to the development of many programs, which were subsequently enacted, aimed at the eradication of disease, establishing sanitary conditions for the production of milk, setting up of meat inspec-

tion practices, and setting quality standards for many commodities; and

WHEREAS, Largely through its efforts, water studies were continued in the 1920's and finally became the Statewide Water Plan in 1930 and the enactment of the Central Valley Project Act of 1933 which authorized the construction of the CVP, and in 1958 it formed the Inter-Organization Water Committee to solidify support for the Burns-Porter Bond Act which was approved by the voters in 1960 to finance the construction of the State Water Project; and

WHEREAS, To preserve the prime agricultural land of this state, the Farm Bureau led the battle to obtain the enactment of the California Land Conservation Act of 1965, which provides for assessing agricultural land on the basis of other than market value, and the adoption of the Open Space Amendment authorizing the Legislature to define open space and devise a method of assessing such lands on the basis of other than full cash value; and

WHEREAS, Realizing that the future of agriculture lies in the hands of our youth, the Farm Bureau in 1967 reorganized the Young People's Department, which was created in 1947, into a Committee of California Young Farmers and Ranchers and in 1953 established the California Farm Bureau Scholarship Foundation, which has granted five scholarships annually since 1954; and

WHEREAS, Cognizance of the importance of agriculture to the developing nations of the world, the Farm Bureau formed the Cal-Farm Travel Service in 1955 to arrange "farmer-to-farmer" tours throughout the world and has sponsored several trainee programs for young farmers, including the Young Visiting Japanese Farmers Trainee Program, from Europe, Latin America, Asia, and the Near East; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the California Farm Bureau Federation on its golden anniversary for distinguished service, symbolizing "Progress in the Past—Promise for the Future," rendered to the farmers, to the state, and to the nation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the California Farm Bureau Federation.

RESOLUTION CHAPTER 113

Assembly Concurrent Resolution No. 99—
Relative to Beta Sigma Phi Week.

[Filed with Secretary of State April 17, 1969.]

WHEREAS, Beta Sigma Phi, an international sorority of lovely women, works not only for the cultural betterment of

its members but for the betterment of the communities in which chapters of this great sorority are located; and

WHEREAS, Since its founding on April 30, 1931, by Walter W. Ross, the fine women of Beta Sigma Phi have never failed to make their contributions to the improvement of our communities and our state and nation; and

WHEREAS, It is indeed fitting that a week be set aside to direct public attention to the many accomplishments of Beta Sigma Phi; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Beta Sigma Phi for its many valuable contributions to the people of this state; and be it further

Resolved, That the members request the Governor to proclaim the week of April 27–May 4, 1969, as Beta Sigma Phi Week in recognition of this sorority's many achievements; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 114

Assembly Concurrent Resolution No. 112—Relative to requesting the Governor to proclaim April 21, 1969, as "Employee Suggestion Day in California."

[Filed with Secretary of State April 17, 1969.]

WHEREAS, The National Association of Suggestion Systems is a nonprofit, service organization composed of members from finance, commerce, industry, and government and dedicated to the worth, contributions, and benefits of employee suggestion systems; and

WHEREAS, N.A.S.S. has members with over 8 million employees who contributed over 3 million suggestions in 1967 and received over 34 million dollars in awards from their employers; and

WHEREAS, The Southern California Chapter of the National Association of Suggestion Systems has been a vital force in the suggestion plan movement since 1949 and receives great benefit from the vast resources, knowledge, and support of N.A.S.S.; and

WHEREAS, The Southern California Chapter of N.A.S.S. has almost 100 of the area's largest and most successful private and public corporations as members and provides them with invaluable assistance in setting up and coordinating employee suggestion plans; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature commend the Southern California Chapter of the Na-

tional Association of Suggestion Systems for their dedicated service to greater employee participation in government and industry; and be it further

Resolved, That the Members of the Legislature request the Governor to proclaim April 21, 1969, as "Employee Suggestion Day in California;" and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, and a suitably prepared copy to the National Association of Suggestion Systems and their southern California chapter.

RESOLUTION CHAPTER 115

Assembly Concurrent Resolution No. 55—Relative to Beta Sigma Phi Week.

[Filed with Secretary of State April 21, 1969.]

WHEREAS, Beta Sigma Phi, a 38-year-old international cultural and service organization consisting of 200,000 members in 9,000 chapters in 13 countries, was founded April 30, 1931; and

WHEREAS, Beta Sigma Phi has 18,000 members in 922 chapters in California; and

WHEREAS, Beta Sigma Phi yearly contributes a significant sum of money and time to such various humanitarian projects as cancer research, cystic fibrosis research, scholarships, and aid to underdeveloped countries; and

WHEREAS, Beta Sigma Phi is proud of its status as an organization composed of women of various ages, nationalities, vocations and geographical areas, all dedicated to the principle of "Life, Learning, and Friendship" for which Beta Sigma Phi stands; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the members of Beta Sigma Phi and request the Governor to proclaim the week of April 27, 1969, through May 3, 1969, as Beta Sigma Phi Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 116

Senate Concurrent Resolution No. 68—Relative to Law Day, U.S.A.

[Filed with Secretary of State April 21, 1969.]

WHEREAS, It has come to the attention of the Members of the Senate and the Assembly that the theme for Law Day, U.S.A.,

to be observed on May 1, 1969, will be Justice and Equality Depend Upon Law and You; and

WHEREAS, Every good citizen recognizes that representative government depends for its vitality and strength upon citizen participation in its processes and the broader the participation the more effective and just the government will be; and

WHEREAS, Every citizen has a responsibility to his country, state, and local community to observe the laws, to support the law enforcement agencies and the courts, to recognize the rights of others, and to assist in advancing the equality of justice and opportunity for all Americans; and

WHEREAS, Our form of government, which has protected our nation for over 190 years, requires that the right of dissent and the right to petition for redress of grievances be asserted in a lawful manner, since in a free society the end to be sought, however worthy, can never justify unlawful means; and

WHEREAS, It is appropriate that on this special day, which was set aside by joint resolution of Congress and by presidential proclamation, we should reaffirm our faith in the will of law and in the supremacy of government by law rather than by men; and

WHEREAS, The members commend the organized bar for its vigorous programs and educational activities which emphasize the importance of law in our society and for its efforts in promoting the observance of Law Day throughout the nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of the State of California is respectfully requested to proclaim Thursday, May 1, 1969, as Law Day, U.S.A., throughout this state, and to call upon all the citizens to join in its observance through appropriate ceremonies, programs and educational activities, and through a rededication to the ideals of equality and justice for all; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California, and suitably prepared copies to William T. Gossett, President of the American Bar Association, and Samuel O. Pruitt, Jr., President of the State Bar of California.

RESOLUTION CHAPTER 117

Assembly Concurrent Resolution No. 84—Relative to the retirement of William A. Kerlin.

[Filed with Secretary of State April 22, 1969.]

WHEREAS, William A. Kerlin, Chief of the California Department of Agriculture's Bureau of Weights and Measures

since 1960, will retire on May 1st after more than 37 years of dedicated service to the people of the State of California; and

WHEREAS, A pioneer in the use of statistical sampling techniques in state inspection and enforcement activities, Mr. Kerlin has administered a bureau responsible for enforcing California weights and measures laws, including the supervision of the 58 county sealers of weights and measures; and

WHEREAS, In 1960 Mr. Kerlin played the key role in writing the California statute which first established a statistically valid sampling technique to be used in enforcing weights and measures laws, which has since served as a model for many other agencies around the country; and

WHEREAS, A native of Hastings, Nebraska, Mr. Kerlin came to California in 1916 and after attending San Jose State College, he became a surveyor in the Santa Clara County Engineer's office and then deputy county sealer, a post he held for nine years; and

WHEREAS, After qualifying by competitive examination, he was appointed Alameda County Sealer of Weights and Measures and 14 years later, he joined the California Department of Agriculture as Chief of the Bureau of Weights and Measures; and

WHEREAS, Mr. Kerlin is presently chairman of the Laws and Regulations Committee, National Conference on Weights and Measures; a member of the Special Weights and Measures Committee of the Federal Trade Commission; and a member of the Special Weights and Measures Committee of the Federal Food and Drug Administration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend William A. Kerlin for his many years of dedicated public service and wish him happiness and success in his future endeavors; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to William A. Kerlin.

RESOLUTION CHAPTER 118

Assembly Concurrent Resolution No. 146—Approving an amendment to the Charter of the City of Pomona, County of Los Angeles, State of California, ratified by the qualified electors of the city at a regular general election held therein on the eighth day of April, 1969.

[Filed with Secretary of State April 23, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Pomona, a municipal corporation in

the County of Los Angeles, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF PROCEEDINGS HAD AND TAKEN BY THE CITY OF POMONA IN FRAMING A CHARTER AMENDMENT FOR ITS OWN GOVERNMENT

State of California
County of Los Angeles } ss.
City of Pomona

We, the undersigned Richard C. Brownell, Mayor of the City of Pomona, County of Los Angeles, State of California, and L. B. Thomas, Clerk of said city, do hereby certify and declare as follows:

That the City of Pomona now is and at all times herein mentioned was a city containing a population of over 50,000 inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; that the Council of said city did, on its own motion, cause to be framed a proposed amendment to the Charter of the City of Pomona, and on February 10, 1969, said proposed charter amendment was filed in the Office of the City Clerk of said city; that at a regular meeting held February 10, 1969, said Council, by ordinance duly adopted, called a regular general election to be held in said city for the purpose of submitting to the qualified electors of said city a proposal for the adoption of said proposed charter amendment; that by order of said Council said election was held on April 8, 1969.

That said proposed charter amendment was published in The Progress Bulletin, the official newspaper of said city and a newspaper of general circulation printed and published in said city, on February 14, 1969, and in each edition thereof during the day of publication; that said date of publication was within 15 days after said proposed charter amendment was filed with the City Clerk and said election was held not less than 40 nor more than 60 days after the completion of said advertising in said official newspaper;

That beginning with the date of said publication of the proposed charter amendment and continuing until the day fixed for said election, a notice was published and advertised in said The Progress Bulletin that copies of said proposed charter amendment may be had upon application therefor at the office of the City Clerk of said city; that such copies were so available; that copies of said proposed charter were printed in convenient pamphlet form and in type of not less than 10-point and copies thereof were mailed to each of the qualified electors of said city;

That said election was duly called, notices thereof were duly given, and said election was duly held and conducted at the

time and in the form and manner required by the existing charter of said city and by law on April 8, 1969; that the following said election returns of said election were duly canvassed as provided by law and the results of said canvass were certified to said Council and said Council thereupon, by resolution, entered into its minutes, declared the results of the canvass of the returns of said election, and found, determined and declared that a majority of the qualified voters voting upon said proposed charter amendment at said election voted in favor of such proposed charter amendment and that said charter amendment shall be deemed ratified and shall be submitted to the Legislature at its present session; that the results as so declared show that at said election 6,526 votes were cast in favor of the adoption of said charter amendment, and 4,515 votes were cast against such adoption;

That in connection with the submission, approval and ratification of said charter amendment, all of the provisions of Section 8 of Article XI of the Constitution of the State of California, of the laws of said State and of the existing charter of said city have been fully complied with in each and every particular; and said proposed amendment to the charter of the City of Pomona proposed to the electors of the City of Pomona at said election, which was approved by the electors, was that Section 1002 of said charter be amended to provide as follows: "For the election of elective officers under this Charter, and for such other purposes as the Council may prescribe, a general municipal election shall be held in the City on the third Tuesday of April in each odd-numbered year".

We further certify that we have compared the foregoing with the proposed charter amendment filed and submitted as aforesaid and find that the foregoing is a full, true and correct copy of said charter amendment ratified by the electors of said city as aforesaid.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Pomona to be affixed hereto on this 15th day of April, 1969.

RICHARD C. BROWNELL,
Mayor of the City of Pomona

(SEAL)

L. B. THOMAS,
City Clerk

Approved as to form:
ROBERT C. GUSTAVESON,
City Attorney

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and

now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Pomona, County of Los Angeles, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of, the Charter of the City of Pomona, County of Los Angeles.

RESOLUTION CHAPTER 119

Assembly Concurrent Resolution No. 63—Relative to the Joint Committee on Legislative Organization.

[Filed with Secretary of State April 23, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Legislative Organization study the feasibility of providing that bills introduced in a regular session in an odd-numbered year and not disposed of at that session may be deemed pending before the Legislature during the regular session in the following even-numbered year.

RESOLUTION CHAPTER 120

Senate Joint Resolution No. 8—Relative to school district appropriations.

[Filed with Secretary of State April 24, 1969.]

WHEREAS, The Congress of the United States of America has appropriated $505.9 million for the fiscal year ending June 30, 1969, for payments to school districts under the provisions of Public Law 81-874, estimated to be sufficient to meet 90 percent of the requirements under the law; and

WHEREAS, Federal administrative decisions have determined that only 35 percent of the requirement will be released during the fiscal year ending June 30, 1969, to eligible school districts; and

WHEREAS, This administrative decision affects adversely some 438 California school districts, in which in excess of 400,000 eligible pupils reside; and

WHEREAS, The withholding of these funds will adversely affect the educational program for more than three million

children who attend school in these districts eligible for funds under Public Law 81-874; and

WHEREAS, The administrative decisions made will result in reduction in school support from Public Law 81-874 in excess of $50 million during the fiscal year; and

WHEREAS, Under the provisions of Public Law 81-874, the federal government since 1951 has participated as a local property taxpayer in school districts impacted with students of parents employed on federal property which is not subject to local property taxation; and

WHEREAS, Such federal participation under full provisions of the law does not meet the added costs of education caused by federal activities; and

WHEREAS, The withholding of these funds by administrative decision is not in accordance with the intent of the Congress as expressed in Public Law 81-874 and in Section 406 of Title III of Public Law 90-576; and

WHEREAS, The withholding of these funds will have an irreparable adverse effect on the majority of school children in California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States, the Director of the Bureau of the Budget and the Secretary of Health, Education and Welfare and other involved federal officials to review the existing administrative decision and to provide for release to eligible school districts during the 1969 fiscal year the full appropriation authorized by Congress for that year; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States, the Director of the Bureau of the Budget, the Secretary of Health, Education and Welfare, and to each member of the California Delegation in Congress.

RESOLUTION CHAPTER 121

Assembly Concurrent Resolution No. 51—Relative to commending John G. Veneman.

[Filed with Secretary of State April 25, 1969.]

WHEREAS, President Richard M. Nixon has announced the nomination of Assemblyman John G. Veneman as Undersecretary of Health, Education and Welfare; and

WHEREAS, Assemblyman Veneman, a third-generation resident of Stanislaus County, commenced his career in public service in 1958 when he was elected to the Stanislaus County Board of Supervisors and he became chairman of the board of supervisors in 1960; and

WHEREAS, He was first elected to the Assembly of the State of California on January 23, 1962, and has been reelected continuously since that time to represent the 30th Assembly District, and while in the Assembly he has served as the Chairman of the Revenue and Taxation Committee, Chairman of the Joint Committee on Medi-Cal, and as the legislative member of the State Social Welfare Board; and

WHEREAS, As a Member of the Legislature, he was instrumental in developing California's 1967 tax package, has authored and developed legislation designed to detect and prevent child neglect and coauthored legislation which established a pioneering program for job development and training, and he was a key figure in bringing property tax relief to Californians; and

WHEREAS, He has conscientiously served the people of his Assembly district and the people of California with independence of thought and action, integrity and foresight, and has significantly contributed to the well-being of the citizens of California in the areas of health, welfare, and taxation; and

WHEREAS, John Veneman's calm presence and invaluable contributions to the legislative process will be sorely missed by his colleagues; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend John G. Veneman for his distinguished and meritorious service to the people of the State of California and wish him every success as the Undersecretary of Health, Education and Welfare; and be it further

Resolved, That the members commend President Richard M. Nixon and Secretary of Health, Education and Welfare Robert H. Finch, for placing the development of our nation's public policies in the vital areas of health, education, and welfare in such capable hands; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Assemblyman John G. Veneman, President Richard M. Nixon, and Secretary of Health, Education and Welfare Robert H. Finch.

RESOLUTION CHAPTER 122

Assembly Concurrent Resolution No. 134—Relative to proclaiming April as Welded Products Month.

[Filed with Secretary of State April 25, 1969.]

WHEREAS, Our daily life and standard of living are improved by the efficiency and reliability of welded land, air and sea transport equipment which carries us and our needs swiftly and safely; and

WHEREAS, The household tasks of the California family are speeded and lightened by the welded stoves, refrigerators and many other household appliances; and

WHEREAS, California industry depends upon welded machinery and equipment, and is powered by the giant boilers and generators that could not be built except by welding; and

WHEREAS, Our freedom and that of the free world is guarded by aircraft, tanks, missiles and men-of-war in whose construction welding makes a vital contribution; and

WHEREAS, Welding technology and welding inventiveness have ably demonstrated their vital importance as the only means of fabricating nuclear and space age components; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members do request the Governor to proclaim the month of April Welded Products Month in recognition of the many Californians engaged in the art and science of welding, producing welded products for the health, safety, and welfare of all Americans; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 123

Senate Concurrent Resolution No. 75—Relative to "Livermore Centennial Celebration Day."

[Filed with Secretary of State April 25, 1969.]

WHEREAS, It has come to the attention of the Members that the City of Livermore will, on October 11, 1969, observe "Livermore Centennial Celebration Day"; and

WHEREAS, One hundred years ago the first subdivision of land took place in the Livermore community; and

WHEREAS, The Livermore Valley was first explored and described in 1772 by a party of Spaniards, although it was not until Mission San José was established in 1797 that the valley began to be used for agriculture, when it was a grazing ground for the mission cattle and was known as the Valle de San José, with its only inhabitants the native Indian tribes; and

WHEREAS, The valley was the natural route for Indians, or anyone else, who wanted to travel toward the coast from California's central valley and, consequently, it was used by Indians going to the mission along the coast and by the soldiers who set out to find and punish the Indians; and

WHEREAS, With the discovery of gold in California, the traffic increased in the 1850's, new routes through the valley were developed, there were surveys for railroads, and in general much activity; and

WHEREAS, A settlement named Laddsville developed on the route chosen for the first railroad through the valley, but by the time the first train went through, in 1869, William Mendenhall had laid out a new town and named it for the pioneer Robert Livermore; and

WHEREAS, The economy of the Livermore Valley was pastoral and agricultural; cattle, sheep and horses have always been important products, as well as hay and grain, and later on, grapes and wine, truck crops, and roses; animal products, agricultural products, and a variety of mineral products from the mines in the hills south of town furnished cargo for the railroads, and flour mills and warehouses, to store hay, grain, and other products from the ranches, were prominent early businesses; and

WHEREAS, As with most towns, gradual changes in economy and progress have taken place over the years, some significant events which influenced the changing pattern being: the development of gravel industry, the extension through the valley by the San Francisco Water Department of the Hetch Hetchy water and powerlines, the military installations during World War II, and the State Water Project, with the recent construction of the South Bay Aqueduct and the Del Valle Dam; and

WHEREAS, In the last decade and a half, the establishment of several atomic energy installations in the area has brought about a radical change in the economy, culture, population, and entire character of Livermore and the surrounding area, which change has been accompanied by a burgeoning population which has turned Livermore from a small rural town, agricultural in nature, to a small city with an industrial outlook, with the prospect of more rapid growth and change in the future; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their heartiest congratulations to the City of Livermore upon its centennial celebration and request the Governor to proclaim October 11, 1969, as "Livermore Centennial Celebration Day"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy to the City of Livermore.

RESOLUTION CHAPTER 124

Senate Concurrent Resolution No. 76—Relative to Goodwill Industries.

[Filed with Secretary of State April 25, 1969.]

WHEREAS, The week of May 4 through 10, 1969, has been designated National Goodwill Week in recognition of the out-

standing humanitarian achievements made by Goodwill Industries; and

WHEREAS, Goodwill Industries had its beginning in 1902, when the Reverend Edgar Helms, recognizing a source of dignified employment for the handicapped, asked his neighbors for donations of repairable household articles and clothing which could be repaired and sold, thereby providing work and income for the needy and handicapped; and

WHEREAS, Vocational rehabilitation of the seriously handicapped was the initial goal and Goodwill Industries has since expanded its activities to encompass the mentally ill and mentally retarded in order that these people may live productive and fulfilling lives; and

WHEREAS, As a result of the outstanding efforts of the 11 autonomous Goodwills in the State of California, more than 7,370 handicapped persons have been helped and have received $6,493,748 in wages; and

WHEREAS, Goodwill Industries is a continuing tribute to the initiative of private groups that provide a source of work and income for persons who otherwise would be dependent upon public assistance; and

WHEREAS, The program of Goodwill Industries, based on the dignity of man, gives self-respect to the handicapped worker; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members wish to take this opportunity to commend the national organization and the California Goodwill Industries on their outstanding job in serving the handicapped; and be it further

Resolved, That the Governor of the State of California is requested to proclaim the week of May 4 through May 10, 1969, National Goodwill Week, in California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California, and suitably prepared copies to Russell Gwynn, Chairman of the Council of California Goodwills, and Robert G. Depner, Executive Director of Goodwill Industries of Central California.

RESOLUTION CHAPTER 125

Senate Concurrent Resolution No. 90—Relative to "Correct Posture Week."

[Filed with Secretary of State April 25, 1969.]

WHEREAS, The chiropractic profession of America has designated the week of May 5th through May 11th as "Correct Posture Week"; and

WHEREAS, Doctors of chiropractic in thousands of communities throughout the United States and Canada will observe that week; and

WHEREAS, The California Chiropractic Association is sponsoring "Correct Posture Week" in this state in an effort to educate the public to the value of correct posture and to develop a national consciousness of correct posture, which, especially when developed in young people, is one of the greatest contributing factors to better health, physical endurance, working efficiency, and attractive appearance; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of May 5th through May 11th as "Correct Posture Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy to the California Chiropractic Association.

RESOLUTION CHAPTER 126

Senate Concurrent Resolution No. 96—Relative to proclaiming April 27 as California Coin Day.

[Filed with Secretary of State April 25, 1969.]

WHEREAS, The week of April 21 to 27, 1969, will be celebrated as National Coin Week; and

WHEREAS, April 27, 1969, will be the date of the Sixth Annual Coin Fair of the San Francisco Coin Club; and

WHEREAS, The San Francisco Coin Club is the nexus of an increasingly popular avocation of thousands of Californians; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim April 27, 1969, as California Coin Day and urge all citizens to participate in this event; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to Mr. Torres Weir, member of the board of governors, San Francisco Coin Club.

RESOLUTION CHAPTER 127

Senate Concurrent Resolution No. 104—Relative to proclaiming April 26, 1969, "General Douglas MacArthur Day" in California.

[Filed with Secretary of State April 25, 1969.]

WHEREAS, The death of General Douglas MacArthur on April 5, 1964, left the people of the free world with a profound sense of sadness and deep loss; and

WHEREAS, A dynamic and ingenious military leader of vast wisdom and unusual foresight, Douglas MacArthur has been ranked by many historians as one of the world's greatest figures; and

WHEREAS, The honor bestowed on him is richly deserved for few men through the centuries have given so much to preserve democracy and the dignity of man; and

WHEREAS, Californians and free men everywhere respect the memory of the "Old Soldier" whose passing they have deeply mourned; and

WHEREAS, The Bataan-Corregidor Society of America, organized and founded on the concept of liberty and democracy, and dedicated to the cause of patriotism and good American citizenship, and to the cause for which thousands of Americans and Filipinos valiantly fought and gave their lives, is composed of Americans, Filipino-Americans, and all veterans who fought under General Douglas MacArthur, irrespective of creed or nationality, and bound together by an uncommon bond of friendship; and

WHEREAS, The Society is observing the fifth anniversary of the death of General Douglas MacArthur and the 27th anniversary of the fall of Bataan-Corregidor with a memorial dinner and pageant, with a flower and candlelighting ceremony on April 26, 1969, in San Francisco; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating April 26, 1969, as "General Douglas MacArthur Day" in California, and invite all the people of California to honor on this day the memory of General Douglas MacArthur and those who fell at Bataan and Corregidor; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, and suitably prepared copies of this resolution to the Bataan-Corregidor Society of America and to its president, Mrs. Margaret Krsak-Koesen, to Mrs. Douglas MacArthur, and to President Ferdinand Marcos of the Republic of the Philippines.

RESOLUTION CHAPTER 128

Assembly Concurrent Resolution No. 103—Relative to continuance of the Joint Committee on Bay Area Regional Organization.

[Filed with Secretary of State April 29, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Bay

Area Regional Organization created by Resolution Chapter 144 (S.C.R. 41) of the Statutes of 1967 is continued in existence, with authority to act during this session of the Legislature, including any recess, until final adjournment.

RESOLUTION CHAPTER 129

Assembly Concurrent Resolution No. 135—Relative to proclaiming April 21–26, 1969, as Discover America Vacation Planning Time.

[Filed with Secretary of State April 29, 1969.]

WHEREAS, The discovery of America was begun many centuries ago, yet it is not ended, but rather, it is a continuous process shared each year by more and more Americans discovering anew our nation's bountiful store of natural and cultural treasures; and

WHEREAS, Our land abounds in recreational opportunities, a land of lakes and streams, of forests and mountains, of desert and sand and sea, where visitor and citizen alike find infinite variety in rest and play; and

WHEREAS, The birth of our nation lies in our historical landmarks still preserved, for all once again to feel the pangs of a nation growing, carved out of nature's wilderness not so many years ago; and

WHEREAS, The year expects millions of our fellow citizens to embark on the journey of rediscovery, to relive our nation's history, to enjoy once more that respite from the year's endeavors, to relax in the natural wealth, the scenic beauty of our land; and

WHEREAS, California, always a state of great attraction to our fellow citizens of the many states, will once again, doubtless, play host to more than its share of travelers, for California has more than its share of beauty, of forest, of mountain, of sand and sea; and

WHEREAS, Each year vacationing visitors from all over the world bring new wealth to our state, so it is most appropriate that a period of time be set aside in which attention can be focused on the benefits of travel to all; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim April 21–26 Discover America Vacation Planning Time and do urge all our citizens, business, industries, our cities, and our civic organizations to give this observance their wholehearted support; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, and a suitably prepared copy to Robert J. Murphy, Jr., Cochairman, Discover America Travel Organizations, Inc.

RESOLUTION CHAPTER 130

Assembly Concurrent Resolution No. 139—Relative to Fire Service Recognition Day.

[Filed with Secretary of State April 29, 1969.]

WHEREAS, The fire service of our state performs many public services in addition to the suppression of fires, such as dwelling inspections, prefire planning, and inspection of commercial and industrial facilities, hospitals, schools and rest homes; and

WHEREAS, Today's fireman is a technically trained and highly skilled professional public servant; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to issue a proclamation designating May 10, 1969, as "Fire Service Recognition Day," and to urge all citizens to visit their nearest fire station on this date to become acquainted with their men, their apparatus and equipment, and the professional type of service they provide today as contrasted with yesteryear; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 131

Assembly Concurrent Resolution No. 142—Relative to National Raisin Week.

[Filed with Secretary of State April 30, 1969.]

WHEREAS, Raisins are one of the most important farm products in the economy of California; and

WHEREAS, Despite increased competition from foreign raisins and from the multitude of competing foods produced in this country, the California Raisin Advisory Board, the raisin industry's promotion, advertising, and research arm, has maintained the market position of California raisins; and

WHEREAS, The California Raisin Advisory Board's most notable success story is the development of the Japanese market from a practically nonexistent market to the number one export market, which now consumes some 20,000 tons of California raisins a year; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim the week of April 20 through April 26 as National Raisin Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 132

Senate Concurrent Resolution No. 91—Relative to declaring the week of May 4–10, 1969, as Quality Week.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, The progress of today's science, technology and research has been directly improved by the principles of quality control, and it is fitting that we give appropriate recognition to the impact of quality and its benefits to our society; and

WHEREAS, Technical advancement and the greater abundance of economic goods and services are closely related, and quality has been a prime factor in upgrading countless consumer goods; and

WHEREAS, The strict requirements of the government and numerous scientific innovations developed for national security have called for increased emphasis on quality and optimum dependability of present-day products despite rising demands for high performance and greater complexity; and

WHEREAS, This state recognizes with praise the close relationship between the quality objectives of product excellence and the continuing high standards of our nation's industrial skills and technology, and notes with pride the assembly of an international convention of men and women concerned with quality on May 5, 6, and 7, 1969, in the City of Los Angeles; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members respectfully request the Governor to proclaim the week of May 4–10, 1969, as Quality Week in California, and urge all citizens of the state to take cognizance of this event and to appropriately participate in the support of its observance; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 133

Senate Concurrent Resolution No. 101—Relative to the California Association of Vocational Industrial Clubs of America.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, The California Association of Vocational Industrial Clubs of America, a coeducational youth organization, is playing a significant role in assuring the future progress and prosperity of our communities, state, and nation; and

WHEREAS, Enrollment in industrial education programs in California is now over one million students, making California the national leader in this area of education; and

WHEREAS, It is vital to our continued well-being that we train skilled industrial manpower to meet the needs of business, industry, management, labor and education; and

WHEREAS, California industrial education is designed to prepare California's youth and adults to become useful and productive citizens in the industry, technical, and health occupation areas; and

WHEREAS, The California Association of Vocational Industrial Clubs of America solidifies, strengthens, and supports the role of California industrial education programs; and

WHEREAS, The purposes of the California Association of Vocational Industrial Clubs of America are: to unite all industrial students; to develop leadership abilities; to foster a dignity of work; to attain a purposeful life by establishing realistic vocational goals; to promote high standards in work and education to better serve home, school, and community; to appreciate the relationships between all community groups; to thoroughly understand our democratic foundations; and to gain recognition for deserving youth; and

WHEREAS, The California Association of Vocational Industrial Clubs of America holds its annual leadership training conference during the first week in May; and

WHEREAS, The California Association of Vocational Industrial Clubs of America designates the first week in May as California Vocational Industrial Clubs of America Week; now, therefore, be it

Resolved by the Senate of the State of California the Assembly thereof concurring, That the members request the Governor to proclaim the week of April 28 through May 4 as California Vocational Industrial Clubs of America Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 134

Senate Joint Resolution No. 11—Relative to the Sacramento River Bank Protection Project.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, The Sacramento River Bank Protection Project was authorized by the Flood Control Act of 1960 to provide a long-range (25 years) program of bank erosion control works to maintain the integrity of the levee system of the Sacramento River Flood Control Project so that it can provide the degree of protection for which it was designed; and

WHEREAS, The rains and flooding of the past winter have caused extensive erosion of riverbank levees; and

WHEREAS, The federal appropriations for the Sacramento River Bank Protection Project, which reached the minimum required level of 3.5 million dollars during the 1965–1966 fiscal year, have since dropped to a level of about 1.5 million dollars; and

WHEREAS, The present levee funding does not even keep pace with new erosion, and there is severe danger of a break in the levee system; and

WHEREAS, A failure of the levee system could result in millions of dollars of damages to one of the most productive agricultural areas in the nation and to the Cities of Sacramento, Marysville, Yuba City, and other communities; and

WHEREAS, An appropriation of only 2 million dollars is proposed in the budget for the fiscal year 1969–1970, which is not adequate to keep pace with the present rate of erosion and will result in a delay of up to two years on all future units of the project; and

WHEREAS, The Army Corps of Engineers has indicated that an annual federal appropriation of $3,500,000 is needed to keep pace with bank erosion; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase the appropriation for construction funds for the Sacramento River Bank Protection Project in the President's Budget for the fiscal year 1969–1970 to a minimum of 3.5 million dollars; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Bureau of the Budget, to the Chief of Engineers of the Army Corps of Engineers, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 135

Assembly Concurrent Resolution No. 105—Relative to Classified School Employees' Week.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, The California School Employees' Association, a 41-year-old statewide organization consisting of over 42,000 members, provides services for approximately 100,000 classified school employees in over 1,200 school districts in California; and

WHEREAS, Chapters of the association yearly contribute a significant sum of money for undergraduate scholarships and also promote educational programs for all classified personnel designed to improve their work skills, to the end that they may better serve students and teachers; and

WHEREAS, The classified employee is proud of his status and the integral part he plays in the total field of education throughout the State of California; and

WHEREAS, The Legislature is aware of the contribution of classified employees and the California School Employees' Association; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the California School Employees' Association and request the Governor to proclaim the week of May 25, 1969, through May 31, 1969, as Classified School Employees' Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor and the State Superintendent of Public Instruction.

RESOLUTION CHAPTER 136

Assembly Concurrent Resolution No. 108—Relative to Country and Western Music Week.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, Country and western music has made tremendous contributions to the heritage of this country and has made many friends for America throughout the world; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is hereby requested to proclaim the week of September 8th through 14th, 1969, as Country and Western Music Week in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 137

Assembly Concurrent Resolution No. 114—Relative to "Veterans of Foreign Wars Week."

[Filed with Secretary of State May 1, 1969.]

WHEREAS, The Veterans of Foreign Wars is an organization formed for patriotic, fraternal, historical and educational purposes; and

WHEREAS, It preserves and strengthens comradeship among its members and perpetuates the memory and history of the war dead and assists their widows and orphans; and

WHEREAS, The requisite for membership in the Veterans of Foreign Wars is honorable service as enlisted man or officer

in the armed forces of the United States of America in any foreign war, insurrection, or expedition for which service a campaign medal shall be authorized; and

WHEREAS, The Veterans of Foreign Wars has 65,000 members, 510 Posts, and 22 Districts in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to proclaim the week of June 21st through June 27, 1969, "Veterans of Foreign Wars Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 138

Assembly Concurrent Resolution No. 115—Relative to Know Your County Government Week.

[Filed with Secretary of State May 1, 1969]

WHEREAS, The counties of California daily fulfill the needs of the people by providing public protection, education, streets and highways, parks and recreation, health and welfare, and other vital services; and

WHEREAS, The counties, in carrying out these services, perform over 1,000 identifiable functions, spend three and one-half billion dollars annually, and employ 150,000 persons; and

WHEREAS, It is in the interest of every Californian that these basic and traditional local government units remain responsive, modern, and efficient, employing dedicated and capable public servants; and

WHEREAS, It is essential that the public be aware of the structure, functions, and performance of county government; and

WHEREAS, Special commemorative periods stimulate citizen interest in local institutions, and this interest encourages full citizen participation in government and facilitates better government services to the people; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the week of October 13–17, 1969, be designated as Know Your County Government Week; and be it further

Resolved, That the Governor of the State of California be urged to proclaim October 13–17, 1969, as Know Your County Government Week; and be it further

Resolved, That the citizens and the counties of California be urged to participate in the appropriate ceremonies, programs, and educational activities in observance of Know Your County Government Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California.

RESOLUTION CHAPTER 139

Assembly Concurrent Resolution No. 121—Relative to the anniversary of the Cinco de Mayo as Mexican-American Week.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, While the United States was engaged in the tragic Civil War testing the principle upon which this nation was founded, that "all men are created equal . . . that they are endowed by their Creator with certain inalienable rights." its neighbor, the Republic of Mexico, was invaded by an army of foreign troops from Europe; and

WHEREAS, This invading foreign army was met at Guadalupe Hill near the City of Puebla on the fifth day of May, 1862, by an outnumbered and untrained Mexican force, under the command of Ignacio Zaragoza; and

WHEREAS, The soldiers of Mexico through their great courage and self-sacrifice defeated this invading force in this great battle; and

WHEREAS, This victory stands as an encouragement and a symbol in the long struggle of Mexico against this foreign invader which eventually culminated in the ousting of a monarchy, which was established by these foreign troops, and the reestablishment of Mexico as a sovereign independent nation; and

WHEREAS, Cinco de Mayo has since been celebrated the world over as a day symbolizing the opposition of free peoples to foreign domination and the triumph of freedom over oppression; and

WHEREAS, This day is recorded in the annals of history along with the Fourth of July and Bastille Day as one of the great days in the advancement of human liberty and self-government; and

WHEREAS, Concerned citizens of Mexican ancestry will be observing the 107th anniversary of this event and will commemorate the triumph at Guadalupe Hill, Cinco de Mayo; and

WHEREAS, Numerous Mexican-American organizations and the Spanish-speaking community will sponsor appropriate observances during the week of Cinco de Mayo; and

WHEREAS, During this week it will be fitting for all Californians to contemplate the historical contributions of Mexican culture and character to the history of this state which enriched and advanced our multiracial culture and to acknowledge the contributions of Mexican-American citizens in areas

of education, labor, industry, government, and the professions; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Governor to proclaim May 5 through May 11, 1969, as Mexican-American Week in California and further urges that the Governor request the California public schools to sponsor appropriate programs during this week and urge all the people of this state to take advantage of this opportunity to learn the role that the Mexican culture has played in the development of the United States and the State of California; and be it further

Resolved, That the Members of the Legislature of the State of California extend, on behalf of the people of this state, their congratulations and felicitous greetings to our Mexican-American citizens and our neighbors to the south in the Republic of Mexico on the anniversary of the Battle of Guadalupe, Cinco de Mayo, and convey to them our warmest expression of friendship; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and transmit suitably prepared copies to Assemblyman Garcia for appropriate distribution.

RESOLUTION CHAPTER 140

Assembly Concurrent Resolution No. 159—Approving an amendment to the Charter of the City of Riverside, County of Riverside, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the eighth day of April, 1969.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Riverside, a municipal corporation in the County of Riverside, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION OF AMENDMENT TO THE CHARTER OF THE CITY OF RIVERSIDE

(Amending Section 404 and adding a new Section 419)

State of California }
County of Riverside } ss
City of Riverside }

We, the undersigned Ben H. Lewis, Mayor of the City of Riverside, State of California, and Virginia J. Strohecker,

City Clerk of said City and ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That at all times since the 21st day of April, 1953, the City of Riverside has been and now is a municipal corporation and city in the County of Riverside, State of California, containing a population of more than 3,500 inhabitants and organized and existing under a charter adopted pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California and approved by the Legislature by Assembly Concurrent Resolution No. 8, adopted in Assembly January 12, 1953, and in Senate January 15, 1953, and filed with the Secretary of State on February 4, 1953.

That the legislative power of said City is vested in a City Council consisting of seven (7) members; and that the City Clerk of said City is ex-officio Clerk of the legislative body of said City.

There is no official newspaper of said City. The Press hereinafter mentioned is a daily newspaper of general circulation within said City and printed and published therein.

That at all times herein mentioned Ben H. Lewis has been and now is the duly elected, qualified and acting Mayor of said City of Riverside; and Virginia J. Strohecker has been and now is the duly appointed, qualified and acting City Clerk of said City.

That the City Council of said City on its own motion by Resolution No. 11189 adopted January 21, 1969, submitted to the electors of said City a proposal to amend its Charter as hereinafter mentioned, to be voted on as a measure at the General Municipal Election to be held in said City on April 8, 1969. Said proposal is in words and figures as follows:

City of Riverside—Proposed Charter Amendment:

Shall the Charter of the City of Riverside be amended to permit the Mayor to vote in order to break a tie vote of the City Council?

That the City Council caused said proposed charter amendment to be published in The Press on February 20, 1969, and in each edition thereof during said day; and also caused copies of such proposed charter amendment to be printed in convenient pamphlet form in type of not less than 10-point and mailed to each of the qualified electors of said City, and also caused a notice that copies of said proposed charter amendment could be had upon application at the office of the City Clerk of said City to be published in every edition of The Press during the period of time beginning February 27, 1969, through April 8, 1969.

That Sections 1000, 1001 and 1002 of the Charter of the City of Riverside provide as follows:

Section 1000. General Municipal Elections.

General municipal elections for the election of officers and for such other purposes as the City Council may prescribe shall be held in the City on the second Tuesday in April in each odd numbered year commencing with the year 1955.

Section 1001. Special Municipal Elections.

All other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections.

A special municipal election shall be held for the election of the first Mayor and the first members of the City Council under this Charter on the tenth Tuesday following the approval of this Charter by the Legislature.

Section 1002. Procedure for Holding Elections.

Unless otherwise provided by ordinance hereafter enacted, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of elections in cities of the sixth class so far as the same are not in conflict with this Charter.

No other procedure has been provided.

That the City Council adopted Resolution No. 11203 ordering, calling, providing for and giving notice of a General Municipal Election to be held in said city on April 8, 1969; and the City Clerk duly published notice of election, which included said charter amendment as a measure, in The Press on January 23, 1969.

That said General Municipal Election was duly held on April 8, 1969, and the voters voted on said measure to amend the Charter. That on Tuesday, April 15, 1969, pursuant to said Resolution No. 11203 adopted by the City Council on February, 4, 1969, the City Clerk of the City of Riverside canvassed the returns of said election and certified the results to said City Council. It was found and determined that the voters voting on said measure at said election cast votes as follows:

	YES	NO
Proposed Charter Amendment -------	14,790	2,837

That said Proposed Charter Amendment received a majority of the votes cast and hence said Charter Amendment was ratified by the vote of a majority of the electors who voted on said measure.

That the City Council thereupon on April 15, 1969, adopted Resolution No. 11236 reciting the fact of said election and the matters enumerated in the Elections Code and the City Clerk thereupon entered upon the records of the City Council a statement of the result of such election.

That the amendment to the Charter so proposed and ratified is in words and figures as follows:

Section 404.

The mayor shall be the presiding officer at all meetings of the city council and shall have a voice in all its proceedings but shall not vote except on the appointment or removal of members of the various boards and commissions and to break a city council tie-vote which exists for any cause. He shall be the official head of the city for all ceremonial purposes He shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and of informing the people of any major change in policy or program. He shall advise the city council on all matters of policy and public relations and perform such other duties as may be prescribed by this Charter.

The city council shall designate one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the city council. In addition to his regular duties as councilman, the mayor pro tempore shall perform the duties of the mayor during his absence or disability.

Section 419.

Notwithstanding any other provision of this Charter when a tie-vote exists for any cause, in order to break that tie, the mayor shall have the same voting right as a city councilman for or against the item before the City Council. The mayor's vote shall be deemed a city councilman's vote for all purposes, including the introduction or adoption of both ordinances and resolutions.

We do further certify that the foregoing constitutes a full, true and correct statement of the actions and proceedings had by the City of Riverside and its City Council and City Clerk in the matter of submitting the proposal to amend the City Charter and in calling, noticing and conducting the election and certifying the canvass of the returns and declaring the results thereof.

In witness whereof we have hereunto set our hands and affixed the seal of the City of Riverside this 15th day of April, 1969.

BEN H. LEWIS
(SEAL) Mayor of the City of Riverside
Attest VIRGINIA J. STROHECKER
City Clerk of the City of Riverside

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Riverside, County of Riverside, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of the City of Riverside, County of Riverside.

RESOLUTION CHAPTER 141

Senate Concurrent Resolution No. 102—Relative to Maritime Day and World Trade Week.

[Filed with Secretary of State May 1, 1969.]

WHEREAS, It has come to the attention of the Members of the Senate and the Assembly that May 22, 1969, will be the anniversary of the sailing of the Savannah on the first steam-propelled crossing of the Atlantic; and

WHEREAS, May 22 falls within the week which is usually proclaimed by the President of the United States as "World Trade Week"; and

WHEREAS, In view of the importance of the maritime industry to this state and the nation, it is fitting and proper that this industry be given official recognition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of the State of California is respectfully requested to proclaim Thursday, May 22, 1969, as "Maritime Day" and May 18 through 24, 1969, as "World Trade Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy to Mr. J. F. Parkinson, president-elect of the Propeller Club for the Ports of Los Angeles and Long Beach.

RESOLUTION CHAPTER 142

Assembly Concurrent Resolution No. 110—Relative to proclaiming the week of April 20th through April 26th as Independent Order of Odd Fellows Week.

[Filed with Secretary of State May 2, 1969.]

WHEREAS, The Independent Order of Odd Fellows of California has dedicated itself to the promotion of good will among men and to the advancement and betterment of mankind in each city and community in which it exists; and

WHEREAS, The Independent Order of Odd Fellows has played an important part in the development of the State of California for more than 100 years; and

WHEREAS, The Independent Order of Odd Fellows this year will commemorate its 150th anniversary on the North American Continent, and its 121st anniversary in the State of California; and

WHEREAS, The officers and members of the Independent Order of Odd Fellows of California have requested that the week of April 20th through April 26th (the date of April 26th being the date of the birth of the fraternity 150 years ago) be proclaimed as Independent Order of Odd Fellows Week; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate the Independent Order of Odd Fellows on its 150th anniversary; and be it further

Resolved, That the Governor is requested to issue a proclamation designating the week of April 20th through April 26th as Independent Order of Odd Fellows Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to the Sovereign Grand Master of the Independent Order of Odd Fellows.

RESOLUTION CHAPTER 143

Assembly Concurrent Resolution No. 152—Approving 10 certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the first day of April 1969.

[Filed with Secretary of State May 2, 1969.]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of 10 amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, L. E. Timberlake, President of the Council of the City of Los Angeles, and Rex E. Layton, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said city at a special election held for that purpose on the 6th day of May 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of Janury 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, p. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said city, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the charter of said city to be voted upon by said qualified electors at a certain general municipal election held on the 1st day of April 1969, all as required by law, which said proposals were designated as proposed Charter Amendments 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, respectively.

That on the 14th day of February 1969, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of February 14, 1969, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said city, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said city; and copies thereof could be had upon application therefor at the office of the City Clerk on and from February 14, 1969, to and including April 1, 1969; and a notice was advertised and published on and from February 14, 1969, to and including April 1, 1969, in "The Los Angeles Daily Journal," a newspaper of general circulation in said city, that copies thereof might be had at the office of the City Clerk of said city upon application therefor.

Such proposed charter amendments were submitted to the electors of said city for adoption and ratification at a general municipal election held on April 1, 1969, which was not less

than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor thereof and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said city, and the declaration of the Council of said City of Los Angeles, which pursuant to law met on April 16, 1969, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

Proposed Charter Amendment No. 1

Article XVII of the Charter of the City of Los Angeles hereby is amended by adding Section 181.1 thereto and Article XVIII of said Charter hereby is amended by adding Section 190.041 and Section 190.111 thereto, to read:

Sec. 181.1 (A) (1) A retired member, whenever retired, may file, with the Chief of the department from which he retired, a written application to be returned to active duty therein only upon the conditions: (a) that his original retirement had been pursuant to Section 181 and had been (I) from the Fire Department while holding a rank no higher than Engineer or (II) from the Police Department while holding a rank no higher than Sergeant; (b) that, as of the filing date of such application, (I) the period of his original retirement had been no longer than 3 years and (II) he shall be under the age of 55 years; and (c) that he satisfactorily had passed a medical examination not more than 30 days prior to the effective date of his original retirement, provided, however, that the Chief, if the effective date thereof had been prior to the effective date of this section, may waive the condition contained in this (c).

(2) The Chief may approve any such application only upon the conditions that, subsequent to the filing date thereof, the retired member: (a) had passed a medical examination from which it had been determined that he would be capable of performing the duties which would be assigned to him if he were to be returned to active duty, provided, however, that such determination thereafter had been approved or concurred in by the board; and (b) had certified, in writing, that he had read and understands the provisions of this section and Section 190.041.

(3) The Chief, if he were to approve any such application, may return the retired member to active duty only in or to a

vacant position in the rank held by him at the effective date of his original retirement.

(4) A retired member, if he were to be returned to active duty, thereafter shall be known as a "reactivated member" and, as such:

(a) His return to active duty shall be a privilege only and not an appointment as a Department Member as provided by Section 190.03 for the purposes of Article XVIII, he shall be on probation for one year from and after the effective date thereof regardless of any other provision of law contained in this Charter or otherwise and the Chief may terminate his service at any time during such year;

(b) His pension, granted by reason of his original retirement, shall be terminated by the board as of the effective date of his return to active duty;

(c) His service subsequent to the effective date of his return to active duty, for the purposes of this Article and regardless of any other provision of law contained in this Charter or otherwise, shall consist of only (I) the days for which he shall be paid for performing his assigned duties, (II) his days of vacation with pay and (III) his regular days off duty with pay, and one year of such service shall consist of a total of 365 such days;

(d) His aggregate years of service, for the purposes of (I) his eligibility to advancement in accordance with Civil Service rules and regulations and (II) the payment of his salary and longevity pay or merit pay, shall consist of only (i) his years of service prior to the effective date of his original retirement and (ii) his service subsequent to the effective date of his return to active duty.

(e) His aggregate years of service ,for the purposes of this Article and regardless of any other provision of law contained in this Charter or otherwise, shall consist of only (I) his years of service prior to the effective date of his original retirement and (II) his service subsequent to the effective date of his return to active duty, provided, however, that such service shall be for not less than one year as defined in Subparagraph (c) of this Paragraph (4);

(f) He shall be assumed to have a satisfactory standard of service and shall be paid (I) the salary provided for his rank and (II) the longevity pay or merit pay provided for his aggregate years of service as defined in Subparagraph (e) of this Paragraph (4), subject, however, to all provisions applicable to the termination of payment of longevity pay or merit pay;

(g) He shall have deductions made for pension purposes, pursuant to Section 186½, from his salary and longevity pay or merit pay;

(h) He never shall be entitled to a subsequent retirement pursuant to Section 182¼ and his widow, his minor child or children (hereafter referred to in this Paragraph (4) as "his

child") or his dependent parent or parents (hereafter referred to in this Paragraph (4) as "his parent") never shall be granted a pension pursuant to Section 183½;

(i) He shall be entitled to a subsequent retirement pursuant to Section 182 if he were to become eligible therefor and upon his death, if he theretofore had had such a subsequent retirement, a pension shall be granted pursuant to applicable provisions of Section 183 to his widow, if she shall have been married to him (I) for at least one year prior to the effective date of his original retirement or (II) for at least one year subsequent to the effective date of his return to active duty and prior to the effective date of his subsequent retirement, or to his child or to his parent;

(j) His widow or his child or his parent, if he were to die while a reactivated member from any cause arising out of or from the performance of his duties, shall be granted a pension pursuant to applicable provisions of Section 183;

(k) His widow, if she shall have been married to him (I) for at least one year prior to the effective date of his original retirement or (II) for at least one year subsequent to the effective date of his return to active duty and prior to the date of his death, or his child or his parent, if he were to die while a reactivated member from any cause other than a cause arising out of or from the performance of his duties, shall be granted a pension pursuant to applicable provisions of Section 183;

(l) His pension, granted by reason of his original retirement, if his service were to be terminated during the one year from and after the effective date of his return to active duty for any reason other than by reason of his subsequent retirement pursuant to Section 182, shall be reinstated by the board, as of the effective date of the termination of his service, at the amount of pension which then would have been payable to him if he had not returned to active duty and, upon his death, the pension which shall be granted pursuant to Section 183 to his widow, if she shall have been married to him for at least one year prior to the effective date of his original retirement, or to his child or to his parent, shall be calculated upon the salary upon which his pension had been calculated as of the effective date of his original retirement; and

(m) He shall be entitled to a subsequent retirement pursuant to Section 181, based upon his aggregate years of service as defined in Subparagraph (e) of this Paragraph (4), and his pension shall be calculated upon a sum equal to the salary upon which his pension had been calculated as of the effective date of his original retirement (hereinafter referred to as "such salary"), plus a percentage of the difference between such salary and his salary as of the effective date of his subsequent retirement, for his years of service subsequent to the effective date of his return to active duty as defined in Subparagraph (e) of this Paragraph (4), so that such sum shall be (I) such salary plus 20% of such difference for one such year,

(II) such salary plus 40% of such difference for two such years, (III) such salary plus 60% of such difference for three such years, (IV) such salary plus 80% of such difference for four such years and (V) such salary plus 100% of such difference for five or more such years or the equivalent of his salary as of the effective date of his subsequent retirement and upon his death, if he theretofore had had such a subsequent retirement, the pension which shall be granted pursuant to Section 183 to his widow, if she shall have been married to him (i) for at least one year prior to the effective date of his original retirement or (ii) for at least one year subsequent to the effective date of his return to active duty and prior to the effective date of his subsequent retirement, or to his child or to his parent, shall be calculated upon the sum upon which his pension had been calculated as of the effective date of his subsequent retirement.

(5) The provisions of this Article and of Section 190.03 of Article XVIII hereafter shall be construed and applied, as to a reactivated member, his widow, his child and his parent, in accordance with respectively applicable provisions of Paragraph (4) of this subsection of this section.

(B) (1) The Chief shall promulgate such rules and set such standards as he may deem to be necessary or desirable with respect to recalling a retired member to active duty.

(2) A retired member, whenever retired, shall be eligible to be recalled to active duty in the department from which he retired only upon the conditions: (a) that his original retirement had been pursuant to Section 181 and had been (I) from the Fire Department while holding a rank lower than Chief Engineer or (II) from the Police Department while holding a rank lower than Chief of Police: (b) that he had certified, in writing, that he had read and understands the provisions of this section; and (c) that he voluntarily had consented to be recalled to active duty.

(3) The Chief may recall a retired member to active duty: (a) only in or to a vacant position in the rank held by him at the effective date of his original retirement; and (b) for not to exceed 90 days in any one calendar year.

(4) A retired member, if he were to be recalled to active duty, thereafter shall be known as a "recalled member" and, as such:

(a) His recall to active duty shall be a privilege only and the Chief may terminate his service at any time;

(b) His pension shall be paid during the period of his recall to active duty;

(c) He shall be paid (I) the salary provided for his rank and (II) the longevity pay or merit pay provided for his aggregate years of service prior to the effective date of his original retirement;

(d) He shall have no deductions made for pension purposes, pursuant to Section 186½, from his salary and longevity pay or merit pay; and

(e) He, his widow, his minor child or children or his dependent parent or parents never shall be entitled to any pension benefits provided by this Article or Article XVIII by reason of his service as a recalled member.

(5) The provisions of this Article hereafter shall be construed and applied, as to a recalled member, his widow, his minor child or children and his dependent parent or parents, in accordance with respectively applicable provisions of Paragraph (4) of this subsection of this section.

Sec. 190.041. Request By a Reactivated Member Under Article XVII to Become a System Member.

A reactivated member under Article XVII who, subsequent to the effective date of his return to active duty shall have had five years of service as defined in Subparagraph (c) of Paragraph (4) of Subsection (A) of Section 181.1, shall have the right, pursuant to Section 190.04, to become a System Member under this Article, provided, however, that he may exercise such right only within the one year from and after the date upon which he shall have completed such five years of service. Any such reactivated member who shall become a System Member also shall become a reactivated member under this Article.

Section 190.04 hereafter shall be construed and applied, as to a reactivated member under Article XVII, in accordance with this section.

Sec. 190.111. Return or Recall of Service Pensioners to Active Duty.

(A) (1) A retired member, whenever retired, may file, with the Chief of the department from which he retired, a written application to be returned to active duty therein only upon the conditions: (a) that his original retirement had been pursuant to Section 190.11 and had been (I) from the Fire Department while holding a rank no higher than Engineer or (II) from the Police Department while holding a rank no higher than Sergeant; (b) that, as of the filing date of such application, (I) the period of his original retirement had been no longer than 3 years and (II) he shall be under the age of 55 years; and (c) that he satisfactorily had passed a medical examination not more than 30 days prior to the effective date of his original retirement, provided, however, that the Chief, if the effective date thereof had been prior to the effective date of this section, may waive the condition contained in this (c).

(2) The Chief may approve any such application only upon the conditions that, subsequent to the filing date thereof, the retired member: (a) had passed a medical examination from which it had been determined that he would be capable of performing the duties which would be assigned to him if he were to be returned to active duty, provided, however, that such determination thereafter had been approved or concurred in by the Board; and (b) had certified, in writing, that he had read and understands the provisions of this section.

(3) The Chief, if he were to approve any such application, may return the retired member to active duty only in or to a vacant position in the rank held by him at the effective date of his original retirement.

(4) Wherever words are used in this Paragraph (4) with respect to any pension granted or to be granted pursuant to any of the first six paragraphs of Subsection (a) of Section 190.13, they also shall mean and include the words, as used in Paragraph (3) of Subsection (b) of Section 190.14, "whether by reason of the provisions thereof or of those of subsection (b) or of subsection (c) of said section, including any additional pension amounts payable pursuant to paragraph (7) of subsection (a) of said section".

A retired member, if he were to be returned to active duty, thereafter shall be known as a "reactivated member" and, as such:

(a) His return to active duty shall be a privilege only, he shall be on probation for one year from and after the effective date thereof regardless of any other provision of law contained in this Charter or otherwise and the Chief may terminate his service at any time during such year;

(b) His pension, granted by reason of his original retirement, shall be terminated by the Board as of the effective date of his return to active duty;

(c) His service subsequent to the effective date of his return to active duty, for the purposes of this Article and regardless of any other provision of law contained in this Charter or otherwise, shall consist of only (I) the days for which he shall be paid for performing his assigned duties, (II) his days of vacation with pay and (III) his regular days off duty with pay, and one year of such service shall consist of a total of 365 such days;

(d) His aggregate years of service, for the purposes of (I) his eligibility to advancement in accordance with Civil Service rules and regulations and (II) the payment of his salary and longevity pay or merit pay, shall consist of only (i) his years of service prior to the effective date of his original retirement and (ii) his service subsequent to the effective date of his return to active duty;

(e) His aggregate years of service, for the purposes of this Article and regardless of any other provision of law contained in this Charter or otherwise, shall consist of only (I) his years of service prior to the effective date of his original retirement and (II) his service subsequent to the effective date of his return to active duty, provided, however, that such service shall be for not less than one year as defined in Subparagraph (c) of this Paragraph (4);

(f) He shall be assumed to have a satisfactory standard of service and shall be paid (I) the salary provided for his rank and (II) the longevity pay or merit pay provided for his aggregate years of service as defined in Subparagraph (e)

of this Paragraph (4), subject, however, to all provisions applicable to the termination of payment of longevity pay or merit pay;

(g) He shall have deductions made for pension purposes, pursuant to Section 190.10, from his salary and longevity pay or merit pay;

(h) He never shall be entitled to a subsequent retirement pursuant to Subsection (b) of Section 190.12 and his surviving spouse, his minor child or children or dependent child or children (hereafter referred to in this Paragraph (4) as "his child") or his dependent parent or parents (hereafter referred to in this Paragraph (4) as "his parent") never shall be granted a pension pursuant to Paragraph (2) or Paragraph (4) of Subsection (a) of Section 190.13;

(i) He shall be entitled to a subsequent retirement pursuant to Subsection (a) of Section 190.12 if he were to become eligible therefor and upon his death, if he theretofore had had such a subsequent retirement, a pension shall be granted pursuant to Paragraph (3) of Subsection (a) of Section 190.13 to his surviving spouse, if she shall have been married to him as of the effective date of his subsequent retirement, or to his child or to his parent;

(j) His surviving spouse or his child or his parent, if he were to die while a reactivated member from any cause arising out of or from the performance of his duties, shall be granted a pension pursuant to Paragraph (1) of Subsection (a) of Section 190.13;

(k) His surviving spouse, if she shall have been married to him (I) for at least one year prior to the effective date of his original retirement or (II) for at least one year subsequent to the effective date of his return to active duty and prior to the date of his death, or his child or his parent, if he were to die while a reactivated member from any cause other than a cause arising out of or from the performance of his duties, shall be granted a pension pursuant to Paragraph (6) of Subsection (a) of Section 190.13;

(l) His pension, granted by reason of his original retirement, if his service were to be terminated during the one year from and after the effective date of his return to active duty for any reason other than by reason of his subsequent retirement pursuant to Subsection (a) of Section 190.12, shall be reinstated by the Board, as of the effective date of the termination of his service, at the amount of pension which then would have been payable to him if he had not returned to active duty and, upon his death, the pension which shall be granted pursuant to Paragraph (5) of Subsection (a) of Section 190.13 to his surviving spouse, if she shall have been married to him for at least one year prior to the effective date of his original retirement, or to his child or to his parent, shall be calculated upon the Normal Pension Base upon which his pension had been calculated as of the effective date of his original retirement; and

(m) He shall be entitled to a subsequent retirement pursuant to Section 190.11. based upon his aggregate years of service as defined in Subparagraph (e) of this Paragraph (4), and his pension shall be calculated upon a sum equal to the Normal Pension Base upon which his pension had been calculated as of the effective date of his original retirement (hereinafter referred to as "such base"), plus a percentage of the difference between such base and that which, if he had not had his original retirement, would have been his Normal Pension Base as of the effective date of his subsequent retirement, for his years of service subsequent to the effective date of his return to active duty as defined in Subparagraph (c) of this Paragraph (4), so that such sum shall be (I) such base plus 20% of such difference for one such year, (II) such base plus 40% of such difference for two such years, (III) such base plus 60% of such difference for three such years, (IV) such base plus 80% of such difference for four such years and (V) such base plus 100% of such difference for five or more such years or the equivalent of his Normal Pension Base as of the effective date of his subsequent retirement and upon his death, if he theretofore had had such a subsequent retirement, the pension which shall be granted pursuant to Paragraph (5) of Subsection (a) of Section 190.13 to his surviving spouse, if she shall have been married to him (i) for at least one year prior to the effective date of his original retirement or (ii) for at least one year subsequent to the effective date of his return to active duty and prior to the effective dat eof his subsequent retirement or to his child or to his parent, shall be calculated upon the sum upon which his pension had been calculated as of the effective date of his subsequent retirement.

(5) The provisions of this Article hereafter shall be construed and applied, as to a reactivated member, his surviving spouse, his child and his parent, in accordance with respectively applicable provisions of Paragraph (4) of this subsection of this section.

(B) (1) The Chief shall promulgate such rules and set such standards as he may deem to be necessary or desirable with respect to recalling a retired member to active duty.

(2) A retired member, whenever retired, shall be eligible to be recalled to active duty in the department from which he retired only upon the conditions: (a) that his original retirement had been pursuant to Section 190.11 and had been (I) from the Fire Department while holding a rank lower than Chief Engineer or (II) from the Police Department while holding a rank lower than Chief of Police; (b) that he had certified, in writing, that he had read and understands the provisions of this section; and (c) that he voluntarily had consented to be recalled to active duty.

(3) The Chief may recall a retired member to active duty: (a) only in or to a vacant position in the rank held by him

at the effective date of his original retirement; and (b) for not to exceed 90 days in any one calendar year.

(4) A retired member, if he were to be recalled to active duty, thereafter shall be known as a "recalled member" and, as such:

(a) His recall to active duty shall be a privilege only and the Chief may terminate his service at any time;

(b) His pension shall be paid during the period of his recall to active duty;

(c) He shall be paid (I) the salary provided for his rank and (II) the longevity pay or merit pay provided for his aggregate years of service prior to the effective date of his original retirement;

(d) He shall have no deductions made for pension purposes, pursuant to Section 190.10, from his salary and longevity pay or merit pay; and

(e) He, his surviving spouse, his minor child or children or dependent child or children or his dependent parent or parents never shall be entitled to any pension benefits provided by this Article or Article XVII by reason of his service as a recalled member.

(5) The provisions of this Article hereafter shall be construed and applied, as to a recalled member, his surviving spouse, his minor child or children or dependent child or children and his dependent parent or parents, in accordance with respectively applicable provisions of Paragraph (4) of this subsection of this section.

Proposed Charter Amendment No. 2

Article XVII of the Charter of the City of Los Angeles hereby is amended by adding Section 183.6 and Section 184.9 thereto and Article XVIII of said Charter hereby is amended by adding Section 190.141 thereto, to read:

Sec. 183 6. Wherever used in this section, "person", "child", "guardian" and "estate" each shall include its plural.

Upon the death hereafter of a retired member, heretofore or hereafter retired pursuant to Section 182¼, any person entitled to a pension pursuant to Section 183½ must make and file with the board a written election to have the amount thereof calculated either upon the salary specified in Section 183½ or upon the salary specified in Section 182¼ and the board shall grant the pension in accordance therewith. Any such election, on behalf of any incompetent person or on behalf of a minor child of such member, must be made by the guardian of his estate and shall be either authorized or approved by a court order, a certified copy of which shall be filed with the board.

Section 183½ hereafter shall be construed and applied in accordance with this section.

Sec. 184.9. (A) Wherever used in this section: (1) "the pension" shall mean, unless Section 184.7 shall be mentioned in conjunction therewith, only a pension which (a) is not identified in Section 184.7, (b) is not referred to in Section 184.8 and (c) is in an amount which shall not increase or decrease by reason of any increase or decrease in the salary of any active member; (2) "the July 1st following" shall mean only a July 1st subsequent to the effective date of this section; and (3) "person" shall include its plural.

(B) The percentage of increase or decrease in the cost of living hereafter shall be applied pursuant to Section 184.7 and the terms and conditions contained in this section:

(1) To the pension of any retired member, heretofore or hereafter retired pursuant to Section 182 or Section 182¼, upon the July 1st following (a) the date he shall have attained the age of 55 years or (b) the fifth anniversary of the effective date of the pension, whichever shall be the earlier;

(2) To the pension of any person, (a) heretofore or hereafter granted pursuant to Section 183 or Section 183½ upon the death of an active member not eligible to retire pursuant to Section 181, (b) heretofore or hereafter granted pursuant to Section 183 upon the death of an active member eligible to retire pursuant to Section 181 and which pension of such person is identified in Paragraph (4) or Paragraph (5) of Section 184.7, (c) heretofore granted pursuant to Section 183½ upon the death of a retired member theretofore retired pursuant to Section 182¼, or (d) hereafter granted pursuant to Section 183½ upon the death of a retired member theretofore retired pursuant to Section 182¼ where the amount of the pension shall be calculated upon the salary specified in Section 183½ by reason of such person's written election therefor pursuant to Section 183.6, upon the July 1st following (I) the date such member shall have attained the age of 55 years, (II) the date such member would have attained such age if he then had been alive or (III) the fifth anniversary of the effective date of the pension of such person, whichever shall be the earliest; and

(3) To the pension of any person, (a) heretofore or hereafter granted pursuant to Section 183 upon the death of a retired member theretofore retired pursuant to Section 182, (b) heretofore or hereafter granted pursuant to Section 183 upon the death of a retired member theretofore retired pursuant to Section 181 and which pension of such person is identified in Paragraph (4) or Paragraph (5) of Section 184.7, or (c) hereafter granted pursuant to Section 183½ upon the death of a retired member theretofore retired pursuant to Section 182¼ where the amount of the pension shall be calculated upon the salary specified in Section 182¼ by reason of such person's written election therefor pursuant to Section 183.6, upon the July 1st following (I) the date such member shall have attained the age of 55 years, (II) the date such member would have attained such age if he then had been

alive or (III) the fifth anniversary of the effective date of the pension of such member, whichever shall be the earliest.

(C) The following provisions, in respects other than those provided for in Subsection (B) of this section, hereafter shall be controlling in the application to certain pensions o fthe percentage of increase or decrease in the cost of living.

(1) Whenever the amount of the pension (a) of any retired member shall be increased or decreased pursuant to Section 182 or (b) of any widow shall be increased or decreased pursuant to Section 183 or Section 183½: (I) the amount of any such increase shall not include the percentage of any increase in the cost of living which theretofore had been applied to the former amount of the pension; and (II) the amount of any such decrease shall include the percentage of any increase in the cost of living which theretofore had been applied to it as a portion of the former amount of the pension.

(2) Whenever the pension of any person, (a) hereafter shall be granted pursuant to Section 183 upon the death of a retired member theretofore retired pursuant to Section 181 and which pension of such person is identified in Paragraph (4) or Paragraph (5) of Section 184.7, (b) hereafter shall be granted pursuant to Section 183 upon the death of a retired member theretofore retired pursuant to Section 182 or (c) hereafter shall be granted pursuant to Section 183½ upon the death of a retired member theretofore retired pursuant to Section 182¼ where the amount of the pension shall be calculated upon the salary specified in Section 182¼ by reason of such person's written election therefor pursuant to Section 183.6, the amount of the pension of any such person, (I) if the amount thereof which shall be payable to such person were to be more than the amount of the pension which had been payable to such member, shall include the percentage of any increase in the cost of living which had been applied to the pension of such member, or (II) if the amount thereof which shall be payable to such person were to be less than the amount of the pension which had been payable to such member, shall include that portion of the percentage of any increase in the cost of living which had been applied to the pension of such member which shall be in the same ratio as the amount of the pension which shall be payable to such person shall bear to the amount of the pension which had been payable to such member, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such member as of the date of his death shall be carried over for such person if (I) hereof were to be applicable or in the same ratio therein provided if (II) hereof were to be applicable.

(3) Whenever the pension o fany widow hereafter shall be terminated pursuant to Section 183 or Section 183½ and the pension therein provided thereafter shall become payable pursuant thereto on behalf of any minor child or children of

the deceased member, the amount of pension on behalf of such child or children shall include that portion of the percentage of any increase in the cost of living which had been applied to the pension of such widow which shall be in the same ratio as the amount of the pension which shall be payable on behalf of such child or children shall bear to the amount of the pension which had been payable to such widow, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such widow as of the date of the termination of her pension shall be carried over on behalf of such child or children in the same ratio hereinabove provided.

(D) The amount of the pension never shall be reduced, by reason of the application thereto of the provisions of Section 184.7 or this section, to an amount less than: (1) the amount thereof if Section 184½ is applicable thereto; (2) the amount thereof if Section 184.6 is applicable thereto; (3) the amount thereof if Section 184.65 is applicable thereto; or (4) the amount thereof payable pursuant to provisions of this Article, other than those of Section 184.7 or this section, if none of the sections mentioned in (1), (2) or (3) above is applicable thereto.

(E) Section 184.7 hereafter shall be construed and applied in accordance with this section as to each pension mentioned in this section.

Sec. 190.141. Extension of Cost of Living Adjustments to Pensions Formerly Excluded Therefrom.

(A) Wherever used in this section: (1) "the pension" shall mean, unless Section 190.14 shall be mentioned in conjunction therewith, only a pension which is not identified in Section 190.14; (2) "the July 1st following" shall mean only a July 1st subsequent to the effective date of this section; (3) "Beneficiary" shall include its plural; and (4) words with respect to any pension granted or to be granted pursuant to any of the first six paragraphs of Subsection (a) of Section 190.13 also shall mean and include the words, as used in Paragraph (3) of Subsection (b) of Section 190.14, "whether by reason of the provisions thereof or of those of subsection (b) or of subsection (c) of said section, including any additional pension amounts payable pursuant to paragraph (7) of subsection (a) of said section".

(B) The percentage of increase or decrease in the cost of living hereafter shall be applied pursuant to Section 190.14 and the terms and conditions contained in this section:

(1) To the pension of any Retired Member, heretofore or hereafter granted pursuant to Subsection (a) or Subsection (b) of Section 190.12, upon the July 1st following (a) the date he shall have had 25 years of service, (b) the date he would have had 25 years of service if he theretofore had not retired or (3) the fifth anniversary of the effective date of the pension, whichever shall be the earliest;

(2) To the pension of any Beneficiary, (a) heretofore or hereafter granted pursuant to Paragraph (1) or Paragraph (2) of Subsection (a) of Section 190.13 upon the death of a Department Member not eligible to retire pursuant to Section 190.11, or (b) heretofore or hereafter granted pursuant to Paragraph (6) of Subsection (a) of Section 190.13 upon the death of a Department Member eligible to retire pursuant to Section 190.11 and which pension of such Beneficiary is identified in Paragraph (3) or Paragraph (4) of Subsection (b) of Section 190.14, upon the July 1st following (I) the date such member shall have had 26 years of service, (II) the date such member would have had 26 years of service if he then had been alive or (III) the fifth anniversary of the effective date of the pension of such Beneficiary, whichever shall be the earliest; and

(3) To the pension of any Beneficiary, (a) heretofore or hereafter granted pursuant to Paragraph (5) of Subsection (a) of Section 190.13 upon the death of a Retired Member theretofore retired pursuant to Section 190.11 and which pension of such Beneficiary is identified in Paragraph (3) or Paragraph (4) of Subsection (b) of Section 190.14, (b) heretofore or hereafter granted pursuant to Paragraph (3) of Subsection (a) of Section 190.13 upon the death of a Retired Member theretofore retired pursuant to Subsection (a) of Section 190.12, or (c) heretofore or hereafter granted pursuant to Paragraph (4) of Subsection (a) of Section 190.13 upon the death of a Retired Member theretofore retired pursuant to Subsection (b) of Section 190.12, upon the July 1st following (I) the date such member shall have had 26 years of service, (II) the date such member would have had 26 years of service if he theretofore had not retired and then had been alive or (III) the fifth anniversary of the effective date of the pension of such member, whichever shall be the earliest.

(C) The following provisions, in respects other than those provided for in Subsection (B) of this section, hereafter shall be controlling in the application to certain pensions of the percentage of increase or decrease in the cost of living.

(1) Whenever the amount of the pension (a) of any Retired Member shall be increased or decreased pursuant to Subsection (a) and Subsection (c) of Section 190.12 or (b) of any qualified surviving spouse shall be increased or decreased pursuant to any paragraph of Subsection (a) of Section 190.13: (I) the amount of any such increase shall not include the percentage of any increase in the cost of living which theretofore had been applied to the former amount of the pension; and (II) the amount of any such decrease shall include the percentage of any increase in the cost of living which theretofore had been applied to it as a portion of the former amount of the pension.

(2) Whenever the pension of any Beneficiary, (a) hereafter shall be granted pursuant to Paragraph (5) of Subsec-

tion (a) of Section 190.13 upon the death of a Retired Member theretofore retired pursuant to Section 190.11 and which pension of such Beneficiary is identified in Paragraph (3) or Paragraph (4) of Subsection (b) of Section 190.14, (b) hereafter shall be granted pursuant to Paragraph (3) of Subsection (a) of Section 190.13 upon the death of a Retired Member theretofore retired pursuant to Subsection (a) of Section 190.12, or (c) hereafter shall be granted pursuant to Paragraph (4) of Subsection (a) of Section 190.13 upon the death of a Retired Member theretofore retired pursuant to Subsection (b) of Section 190.12, the amount of the pension of any such Beneficiary, (I) if the amount thereof which shall be payable to such Beneficiary were to be more than the amount of the pension which had been payable to such member, shall include the percentage of any increase in the cost of living which had been applied to the pension of such member, or (II) if the amount thereof which shall be payable to such Beneficiary were to be less than the amount of the pension which had been payable to such member, shall include that portion of the percentage of any increase in the cost of living which had been applied to the pension of such member which shall be in the same ratio as the amount of the pension which shall be payable to such Beneficiary shall bear to the amount of the pension which had been payable to such member, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such member as of the date of his death shall be carried over for such Beneficiary if (I) hereof were to be applicable or in the same ratio therein provided if (II) hereof were to be applicable.

(3) Whenever the pension of any qualified surviving spouse hereafter shall be terminated pursuant to any provisions of Subsection (a) of Section 190.13 and the pension thereafter shall become payable on behalf of any minor child or children or dependent child or children of the deceased member, the amount of pension on behalf of such child or children shall include that portion of the percentage of increase in the cost of living which had been applied to the pension of such qualified surviving spouse which shall be in the same ratio as the amount of the pension which shall be payable on behalf of such child or children shall bear to the amount of the pension which had been payable to such qualified surviving spouse, and the percentage of any increase or decrease in the cost of living in excess of 2% per year which had been carried over for such qualified surviving spouse as of the date of the termination of his or her pension shall be carried over on behalf of such child or children in the same ratio hereinabove provided.

(D) The amount of the pension never shall be reduced, by reason of the application thereto of the provisions of Section 190.14 or this section, to an amount less than the amount

thereof payable pursuant to provisions of this Article other than those of Section 190.14 and this section.

(E) Section 190.14 hereafter shall be construed and applied in accordance with this section as to each pension mentioned in this section.

Proposed Charter Amendment No. 3

Article XVII of the Charter of the City of Los Angeles hereby is amended by adding Section 180.1 thereto and Article XVIII of said Charter hereby is amended by adding Section 190.071 thereto, to read:

Sec. 180.1. From and after the effective date of this section, the board, upon the terms and conditions and within the limitations contained in those paragraphs of Section 180 respectively entitled "Common Stocks" and "Preferred Stocks", may invest up to but not exceeding fifty percent of each of the two funds created and established by Section 186, determined on a cost basis, in equity-type securities such as common stocks or preferred stocks but not limited thereto and, as to any such securities, Section 180 shall be construed and applied in accordance with this section.

Sec. 190.071. Increased Limitation For Investment in Equity-type Securities.

From and after the effective date of this section, the Board, upon the terms and conditions and within the limitations contained in those paragraphs of Section 190.07 respectively entitled "Common Stocks" and "Preferred Stocks", may invest up to but not exceeding fifty percent of each of the two funds created and establishd by Section 190.06, determined on a cost basis, in equity-type securities such as common stocks or preferred stocks but not limited thereto and, as to any such securities, Section 190.07 shall be construed and applied in accordance with this section.

Proposed Charter Amendment No. 4

Section 349 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sec. 349. The budget as adopted by the Council shall forthwith be transmitted by the City Clerk to the Mayor upon whose approval and signature it shall become effective. If the Mayor shall fail to act upon the budget within five (5) days after its adoption by the Council, it shall be signed by the City Clerk and shall thereupon become effective. If the Mayor shall disapprove of any increase, decrease, omission or insertion of any item or items of the budget by the Council, he may veto, restore or otherwise change any such item or items to the amount originally proposed by him or to any amount between that originally proposed by him and that adopted by the Council. The Mayor, however, shall have no power to change any description or limitation made applicable to an item by

the Council except to veto such change or to restore the description or limitation to the condition originally proposed by him. Upon completion of such changes as he determines proper, the Mayor shall return the budget to the Council with a statement of his action. Within five (5) days thereafter the Council may overcome such action of the Mayor relative to any item or items of the budget by a two-thirds vote of all its members, whereupon the budget shall be signed by the City Clerk and shall become effective.

Proposed Charter Amendment No. 5

The Charter of the City of Los Angeles is hereby amended by repealing Section 508.01 and amending subsection A of Section 508 thereof to read as follows:

A. Every member shall be retired on the first day of the calendar month next succeeding that month in which he shall have reached the age of seventy (70) years, provided that no member occupying an elective office for a fixed term shall be so retired until the expiration of the last term to which such member may be so elected.

Proposed Charter Amendment No. 6

The Charter of the City of Los Angeles is hereby amended by amending subsection (e) of Section 140, subdivision (2) of subsection (e) of Section 146, Section 238.9 and subsection D of Section 240 thereof to read as follows:

(e) All such franchises, permits and leases shall be granted subject to such terms and conditions and such rental or compensation as may be prescribed therein and to the limitations, conditions, restrictions and reservations in this charter contained. Every such franchise, permit or lease for a definite period of time shall be made by order. Every order granting any such franchise, permit or lease for a period of five years or less shall be published once in the same manner as ordinances of said city, and shall take effect upon such publication. Every order granting any such franchise, permit or lease for a period of more than five years shall, before the same shall become effective, be submitted to the Council for its approval or disapproval. Action must be taken thereon by the Council within sixty days after such order shall have been submitted to it. If the Council shall approve the same such order shall thereupon be published once in the same manner as ordinances of said city; or, if the Council shall fail to disapprove any such order within said sixty days, such order shall thereupon be published once in the same manner as ordinances of said city. Every such order, when published, shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

Every such franchise, permit or lease shall provide for a readjustment of the rental or compensation at least every ten

years during the term thereby created, upon such procedure as shall be specified in such franchise, permit or lease.

Subd. (2) Certified copies of such order shall be transmitted to the offices of the Mayor and of the City Clerk, and the City Clerk shall forthwith present the said order to the Council. At any time within such period as may be specified in said order, which shall be not less than sixty days from and after the receipt of such certified copies at such offices, respectively, the Mayor, by writing, or the Council, by majority vote, may disapprove such order. If neither the Mayor nor the Council shall so disapprove said order within the period so specified, said order shall thereupon be published once in the same manner as ordinances of the city. If the Mayor shall disapprove said order within said period, he shall forthwith advise the Council and the Board of Harbor Commissioners, in writing, of such disapproval. The Council shall thereupon consider such disapproval in the same manner as upon the reconsideration of an ordinance notwithstanding the veto of the Mayor, and if upon such consideration the Council shall, by the votes of two-thirds of the whole Council, determine that the Mayor's disapproval should be overruled, such disapproval by the Mayor shall be of no effect, and the said order of the Board of Harbor Commissioners shall thereupon be published once in the same manner as ordinances of the city.

Sec. 238.9. All such franchises, permits, licenses and leases shall be granted and entered into subject to such terms and conditions and such rentals or compensation as the Board in its discretion may prescribe. Every such franchise, permit, license or lease granted or entered into for a definite period of time shall be made by order and if made for a period of five (5) years or less such order shall be published once in the same manner as ordinances of said city, and shall take effect upon such publication. If made for a longer period than five years the same shall be submitted to the Council for its approval or disapproval. Action must be taken thereon by the Council within sixty (60) days after such franchise, permit, license or lease shall have been submitted to it. If the Council shall approve the same, the order granting such franchise, permit, license or lease shall thereupon be published once in the same manner as ordinances of the city; if the Council shall fail to disapprove any such franchise, permit, license or lease within said period of sixty days, the order granting such franchise, permit, license or lease shall thereupon be published once in the same manner as ordinances of said city. Every such order granting a franchise, permit, license or lease for a period of time greater than five years shall, before the same becomes effective, be subject to the referendum provisions of this charter relating to ordinances.

No such franchise, permit, license or lease shall be made for a term or period greater than fifty (50) years, and the same shall be subject to a readjustment of the rental or compensa-

tion at least every ten (10) years during the term thereof upon such procedure as shall be prescribed in the instrument granting such franchise, permit, license or lease.

Subsection D. Proceedings for Authorizing Bonds.

1. Whenever the Department shall propose to exercise the power to borrow money or to refund indebtedness pursuant to this Section 240 the Board shall adopt a resolution authorizing the issuance of bonds for such purpose.

2. Certified copies of such resolution shall be transmitted to the offices of the Mayor and of the City Clerk, and the City Clerk shall forthwith present the said resolution to the Council. At any time within such period as may be specified in said resolution, which shall be not less than 60 days from and after the receipt of such certified copies at such offices, respectively, the Mayor, by writing, or the Council, by majority vote, may disapprove such resolution. If neither the Mayor nor the Council shall so disapprove said resolution within the period so specified, said resolution shall thereupon be published once in the same manner as ordinances of the City. If the Mayor shall disapprove said resolution within said period, he shall forthwith advise the Council and the Board, in writing, of such disapproval. The Council shall thereupon consider such disapproval in the same manner as upon the reconsideration of an ordinance notwithstanding the veto of the Mayor and, if, upon such consideration, the Council shall by the votes, of two thirds of the whole Council, determine that the Mayor's disapproval should be overruled, such disapproval by the Mayor shall be of no effect, and the said resolution of the Board shall thereupon be published once in the same manner as ordinances of the City.

3. Anything in the preceding subparagraphs of this subsection notwithstanding, in the cases of (a) refunding bonds or (b) notes or other evidences of indebtedness, which are to be issued pursuant to subsection L of this Section 240, the resolution of the Board adopted pursuant to paragraph 1 of this subsection shall upon its adoption by the Board be forthwith published once in the same manner as ordinances of the City and the transmission of such resolution to the offices of the Mayor and City Clerk shall be for information only and it shall not be subject to the disapproval by the mayor or Council; provided, however, that any such resolution may, by its terms, be made subject to disapproval by the Mayor or Council with the effect provided in paragragh 2 of this subsection.

4. Every such resolution, adopted by the Board pursuant to any of the preceding paragraphs of this subsection shall, when published, be subject to the right of referendum before the same shall become effective. At any time within 30 days after such publication a referendary petition, demanding the submission of such resolution to a vote of the qualified electors of

the City for their assent to the issuance of the therein proposed bonds, may be filed with the City Clerk. Except as in this Section 240 otherwise expressly provided, all of the provisions of this Charter relating to referendum with respect to ordinances shall apply to any referendum under the provisions of this subsection. Upon presentation to the Council by the City Clerk of a referendary petition, the resolution which is the subject thereof shall be of no effect unless and until the same shall have been assented to by the voters.

5. If no such referendary petition is presented within the aforesaid period of 30 days, then upon the expiration of said period, or, if the resolution of the Board adopted pursuant to paragraph 1 of this subsection shall have been assented to by the voters upon referendum pursuant to this subsection, then upon such resolution having been so assented to, the said resolution shall take full and final effect and the Board may proceed in accord with the provisions of this Section 240 and issue bonds as provided for by said resolution; provided, however, that if the resolution shall have been assented to by the voters upon referendum pursuant to this subsection, the resolution may, in the discretion of the Board, be amended to change the date of the bonds and the date or dates of maturity of each issue or series of bonds and all other dates which depend upon the above dates, and when so amended the said resolution shall take full and final effect and the Board may proceed in accordance with the provisions of this Section 240 and issue bonds as provided by said amended resolution.

Proposed Charter Amendment No. 7

The Charter of the City of Los Angeles is hereby amended by amending Section 73 thereof to read as follows:

Sec. 73. The members of each of the boards referred to in Section 70 and the members of the Board of Zoning Adjustment referred to in Section 98½ shall be appointed, and may be removed by the Mayor, subject in both appointment and removal to the approval of the Council by a majority vote.

Within forty-five (45) days from the expiration of the term for which such member was appointed the Mayor shall appoint and submit for the approval of the Council such member, or a new member, for the next ensuing term on the board to which such member was appointed for the term which has expired. In the case of a vacancy in the office of a member of any of the boards referred to in Sections 70 and 98½, the Mayor shall within forty-five (45) days from the commencement of such vacancy appoint and submit for the approval by the Council a member to fill such vacancy for the unexpired term in office created by the vacancy.

If the Council does not disapprove the appointment by the Mayor of a member as provided in this section within forty-five (45) days after the submission by the Mayor of such ap-

pointment to the Council for its approval as provided in subsection (4) of Section 40, the appointment shall be deemed approved by the Council. If the Council disapproves an appointment made by the Mayor, the Mayor shall make and submit to the Council for its approval a new appointment to the office involved within forty-five (45) days of the disapproval by the Council of the previous appointment. Each subsequent disapproval of an appointment by the Mayor to the office shall create a new forty-five (45) day period as aforesaid.

In the event the Mayor fails to make an appointment and submit the same to the Council within any of the forty-five (45) day periods provided in this section, the President of the Council shall upon the expiration thereof and within the ensuing forty-five (45) days appoint and submit to the Council for its approval an appointment to the office to which the Mayor has failed to make an appointment as provided in this section. In the case of such appointment by the President of the Council, he shall file with the Council his certificate substantially in the form required of the Mayor under subdivision (4) of Section 40. If the Council does not disapprove the apointment made by the President of the Council within forty-five (45) days after submission by him as provided in this section, the appointment shall be deemed approved by the Council.

If the Council disapproves the appointment made by the President of the Council within the forty-five day period, the President of the Council shall make a new appointment to the office involved within forty-five (45) days of the disapproval by the Council of the previous appointment. Each subsequent disapproval of an appointment made by the President of the Council shall create a new forty-five (45) day period as aforesaid.

Upon failure of the President of the Council to make an appointment and submit such appointment to the Council for its approval as provided in this section, such appointment shall be made by the Council, by resolution, within forty-five (45) days from the expiration of the forty-five (45) day period within which the President of the Council failed to act.

Proposed Charter Amendment No. 8

The Charter of the City of Los Angeles is hereby amended by amending Section 111 thereof to read as follows:

Sec. 111. The provisions of this Article shall apply to all departments, divisions and offices of the city government including therein all employees of the city, except that the following shall be exempt therefrom, to wit:

All officers elected by the people.

All members of the several boards

Members of the Board of Zoning Adjustment.

The secretary to the Mayor and such other persons employed in positions established by the Council in the Office of

the Mayor, except clerks, stenographers and secretaries other than the secretary to the Mayor.

Such persons employed in positions established by the Council for the purpose of assisting the members of the Council in the performance of their duties, except clerks, stenographers, secretaries and administrative analysts.

The Chief deputy of the Controller.

The City Superintendent of Schools and assistants and deputies, and all teachers and employees in the School Department.

The assistants, deputies, clerks and stenographers of the City Attorney.

The General Manager who is the Chief Engineer of the Department of Water and Power, and two deputies of said General Manager; provided that if the work of that Department be divided into two bureaus as provided elsewhere in this Charter, then there shall be exempted the General Manager who is the Chief Engineer of the Bureau of Water Works and Supply and the General Manager who is the Chief Electrical Engineer of the Bureau of Power and Light, and a Deputy of the General Manager of each of the two Bureaus.

The Auditor and the Cashier of the Department of Water and Power.

Four persons employed to render services in the Department of Water and Power as assistants or deputies, at a position level in any supervisory line of authority in said Department higher than any position existing under the classified civil service in said line of authority, or as members of the staff of the General Manager of that department, or as they may be divided by action of the Board of Water and Power Commissioners between the respective General Managers if the work of that department be divided into two bureaus; provided that each such person must, at the inception of such exempt employment, hold a position in the Department of Water and Power under the classified civil service provisions of this charter, and must have held one or more such position for an aggregate period of fifteen years or more, and provided further that the exemption of each such person shall be declared by the Board of Water and Power Commissioners.

The General Manager of the Department of Airports.

The City Administrative Officer and two Assistant City Administrative Officers.

The Traffic Manager and the Port Warden of the Harbor Department.

The Inspector of Public Works.

All physicians appointed by the Health Board other than those employed on a regular full-time permanent basis.

All physicians appointed on or after January 1, 1955, to render services in the Department of Water and Power; provided that such appointments shall be without prejudice to those appointed subject to this article before said date.

All officers of election.

Persons specially employed by the City Clerk, as authorized by the provisions of Section 305 hereof, to assist in the conduct of any election.

The Police Surgeon and assistant police surgeons.

All employees of Advisory Borough Boards.

Persons or positions elsewhere specifically exempted by the provisions of this charter.

Persons employed to render professional, scientific, technical or expert services of an exceptional character upon the request of the head of the department, division or office in which such persons are to be employed, approved by resolution of the Council, and by the Board of Civil Service Commissioners.

Any of the following may be exempted from the provisions of this article upon the request of the head of the department, division or office in which they are employed, by order of the Board of Civil Service Commissioners, approved by the Council by resolution, to wit: (a) persons employed as the first and second deputies where not exempt as above provided; (b) positions of unskilled laborers, including drivers; (c) positions, the occupants of which are workmen, mechanics or craftsmen (including foremen) employed exclusively as such on the construction of public works, improvements or buildings; (d) any position requiring the services of one individual for not more than half time and paying a salary not to exceed three-fourths of the monthly rate established by the salary fixing authority of such department, division or office for entering level clerical positions. Any exemption made under the provisions of this paragraph may be terminated at any time by resolution of the Board of Civil Service Commissioners.

Each and every person exempted by or pursuant to the provisions of this section or occupying a position exempted by the provisions of this section shall, during the period of such exempt employment, be considered as being on leave of absence from the classified civil service if at the time of such exemption he holds a position in the classified civil service, or is entitled to hold a position therein, and shall continue, during such period, to accrue seniority credit the same as though serving in the position in the classified civil service from which he is deemed to be on leave.

Proposed Charter Amendment No. 9

Sub-section 6 of Section 229 of the Charter of the City of Los Angeles is hereby amended to read as follows:

Sub-sec. 6. Determination and limitation of amounts of issues.

Subd. (a). Whenever the Department shall exercise the power to borrow money, or to refund indebtedness, pursuant to this section 229, the Board shall by resolution determine

the amount or amounts required for the purposes for which the money is to be borrowed or required for such refunding.

Subd. (b). Whenever the Department shall exercise the power to borrow money pursuant to this section 229 the Board may authorize the issuance of bonds in any amount determined pursuant to subdivision (a) next above; provided that no bonds so authorized shall be issued unless the amount of the surplus (including surplus arising from contributions in aid of construction), as of the end of the last fiscal year which ended not less than four months prior to the making, with reference to the bonds so to be issued, of the finding and determination provided for in clause (1) of subdivision (a) of subsection 16 of this section 229, derived from the operation o fthe works to which pertains the revenue fund out of which the bonds so authorized are to be payable, equals at least seventy per cent (70%) of the aggregate of the three following amounts, (i) the amount of the bonds to be so issued, (ii) the amount of the bonds of teh Department outstanding at the time of the acceptance of a proposal for the purchase of the bonds so authorized and payable out of that revenue fund, and (iii) the amount of the bonds of the City outstanding at that time and serviced out of that revenue fund.

Subd. (c). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any refuding bonds pursuant to this section 229, and the amount of any issue of such refunding bonds may equal, but shall not exceed, the amount required for the payment or redemption of the bonds to be refunded thereby, including the premiums, if any, due upon such redemption, but excluding any interest due upon such redemption.

Subd. (d). The limitation prescribed in subdivision (b) of this subsection 6 shall not be applicable to the issuance of any bonds whenever the proposition of such issuance shall have been assented to by the voters.

Subd. (e). Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to subsection 10 of this section 229 to insure the payment thereof, of moneys sufficient for that purpose, or through the irrevocable segregation for that purpose, in some sinking fund or other fund or trust account, of moneys sufficient therefor, shal lbe deemed to be no longer outstanding within the meaning of any provision of this section 229.

Proposed Charter Amendment No. 10

Paragraph (6) of Section 220 of the Charter of The City of Los Angeles is hereby amended to read as follows:

(6) To lease, for a term not exceeding five years, any or all of the lands under its control for agricultural or other purposes, which shall not conflict with the beneficial uses of said lands by the city for the purposes for which they are held by

the board; and, except as otherwise provided in this charter, to sell, from time to time, such personal property, placed under its control, as shall not be longer necessary or suitable for the use of such department. The board shall have the right, in conjunction with the joint use of poles, pole facilities, or underground utility trenches or facilities, with other utilities owning and maintaining poles, pole facilities, or underground utility trenches or facilities, to buy, sell or lease interests in poles, pole facilities, or underground utility trenches or facilities, owned or controlled by said other utilities or by said board, and to contract with said utilities for the construction of said poles, pole facilities or underground utility trenches or facilities. Any such contract may provide for a sharing of the capital charges and other obligations associated therewith. No real property nor any rights or interests in real property held by said board shall be sold, leased, or otherwise disposed of, or in any manner withdrawn from its control, save as above provided, unless by written instrument duly authorized by ordinance of the city and a resolution of the board, and duly executed by the city and the board, and subject to the provisions of Section 219.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 16th day of April 1969.

(SEAL)

L. E. TIMBERLAKE
President of the Council of the City of Los Angeles
REX E. LAYTON
City Clerk of the City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, a majority of all of the members elected to each house voting therefor and concurring therein. That said amendments to the Charter of the City of Los Angeles as pro-

posed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

RESOLUTION CHAPTER 144

Assembly Concurrent Resolution No. 147—Relative to the death of Paul Claiborne.

[Filed with Secretary of State May 5, 1969.]

WHEREAS, It was with profound sorrow that the members learned of the death of Paul Claiborne, a longtime civic leader in Placer County and Sacramento County, on April 13, 1969; and

WHEREAS, He was born in Indiana on March 3, 1902, came to California with his parents, Luther and Rachel Claiborne, in 1904, attended schools in Placer County while working on various jobs, including, with his younger brother, Silas, all the paper routes in Roseville for the Sacramento Bee, Sacramento Union, San Francisco Chronicle, and San Francisco Examiner; and

WHEREAS, After graduating from Heald's Business College in Sacramento, he served in various capacities with Bradstreet Company (later named Dun & Bradstreet), Retailer's Credit Association of Sacramento, Henning Advertising Service, and Equitable Life Assurance Society of New York, and opened an agency called "Sorenson & Claiborne" in North Sacramento for Star cars; and

WHEREAS, In 1926, he returned to the Retailer's Credit Association in Auburn, and promptly became active in nearly every civic project; and

WHEREAS, He organized the Placer Savings and Loan Association in 1946 to encourage thrift and help people obtain a home of their own and served as its president and chairman of the board until his death; and

WHEREAS, Highly respected by the business community, he has served as an officer in various business organizations, including the Associated Credit Bureau of California, Retailers Credit Association of Placer County, California State Collection Agency Board, Sacramento Chapter of the American Society of Appraisers, Placer County Insurance Agents Association, California Real Estate Board, Placer County Board of Realtors, and Auburn Chamber of Commerce; and

WHEREAS, Generous with his time and leadership in serving the community, he held membership in numerous civic and service organizations, including the Eureka Lodge No. 16, Masonic Lodge, Scottish and York Rite Bodies, Ben Ali Tem-

ple of Shrine, Fraternal Order of Eagles, Lodge No. 1691 of B.P.O. Elks, Navy League of the United States, Rotary Club, American Red Cross, and Tahoe Area Boy Scouts Council; and

WHEREAS, He founded the 20–30 International Club in 1922 in Sacramento "to develop, by precept and example, a more intelligent, aggressive, and serviceable citizenship; to provide a practical means of forming enduring friendships, of rendering altruistic service, and of building better communities"; and

WHEREAS, The words of President Nixon on learning of Paul Claiborne's death, clearly state the feelings of his many friends—"We have lost a dear, old friend and no words could convey how deeply he will be missed"; and

WHEREAS, He is survived by his wife, Mary, whom he married in 1921; his son Paul, Jr.; two daughters, Mrs. Merrilee Clark and Mrs. Joycelyn Aronsen; and eight grandchildren; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deepest regret of the passing of this distinguished civic leader and extend their sincere condolences to Mrs. Mary Claiborne and to his family; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mrs. Mary Claiborne.

RESOLUTION CHAPTER 145

Assembly Concurrent Resolution No. 162—Relative to the death of Assemblyman Alan G. Pattee.

[Filed with Secretary of State May 5, 1969.]

WHEREAS, It was with great sadness and profound regret that the Members of the Legislature learned of the tragic death of their good friend and distinguished colleague, Alan G. Pattee; and

WHEREAS, A dairy and livestock rancher, Alan Pattee was first elected to the Assembly in 1954 by the people of Monterey County; and

WHEREAS, As a Member of the Legislature he proved to be a man of integrity and dignity, an opponent to be respected and an ally to be valued, a skilled parliamentarian who possessed a keen and active mind, and, above all, a dedicated public servant who thrived upon work; and

WHEREAS, These qualities, plus his great personal charm and friendliness, were not lost upon the voters of his district who returned him to office a total of seven times through the years; and

WHEREAS, During his long tenure in the California Legislature he served on many committees and was the author of a variety of statutes covering all subjects, but his great love was in the land, and, as the Chairman of the Assembly Agricultural Committee, Alan Pattee became the champion of California agriculture; and

WHEREAS, A man of unusually broad civic and community interests, he was a member of the Elks, Moose, and Rotary Clubs, the Salinas Chamber of Commerce, the Monterey County Dairy and Cattlemen's Association, and the Farms Bureau, a director of the Seventh District Agricultural Association, and Chairman of the County Tax Association, the Monterey County Republican Central Committee, and the Republican County Chairmen's Association of the State Republican Committee; and

WHEREAS, While he has passed from this life, Alan Pattee, by his exemplary record of service to the people of this state, has left a rich legacy to serve as an inspiration and guide to all those who shall follow after him; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the California Legislature mourn the untimely passing of their distinguished colleague and friend, Assemblyman Alan G. Pattee, and express their deepest condolences to his widow and children; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to his widow, Ingeborg Pattee, to his daughters, Susan Englund and Barbara Shields, and his son, Harry Pattee, and to his brother, W. Burleigh Pattee.

RESOLUTION CHAPTER 146

Senate Concurrent Resolution No. 43—Relating to a study of tenure in the University of California, the California State Colleges, and the public junior colleges.

[Filed with Secretary of State May 7, 1969.]

WHEREAS, The laws and administrative regulations governing the University of California, the California State Colleges, and the public junior colleges in California establish rules for the appointment, reappointment, dismissal, and demotion of academic personnel; and

WHEREAS, Taken as a whole, those rules establish privileges of tenure for full-time faculty in regular rank; and

WHEREAS, There is a wide spectrum of opinion regarding the value and effect of tenure in the University of California, the California State Colleges, and the public junior colleges; and

WHEREAS, Questions are now raised about the objectives and effects of tenure in the University of California, the California State Colleges, and the public junior colleges; and

WHEREAS, Current events in higher education require an immediate review of this subject so that the laws and administrative regulations may be kept current with changing circumstances; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby directs the Coordinating Council for Higher Education to study the current rules of tenure in the University of California, the California State Colleges, and the public junior colleges; compare such rules of tenure in public and private institutions of higher education in California and in other states; state the objectives of tenure; and set forth policy alternatives to achieve those objectives; and be it further

Resolved, That the Legislature hereby directs the Coordinating Council for Higher Education to report on the subject of this resolution as soon as possible but not later than May 8, 1969; and be it further

Resolved, That the Secretary of the Senate shall transmit copies of this resolution to the members of the Coordinating Council for Higher Education.

RESOLUTION CHAPTER 147

Senate Concurrent Resolution No. 88—Relative to proclaiming the week of April 27–May 3, 1969, as "Canada-United States Goodwill Week."

[Filed with Secretary of State May 7, 1969]

WHEREAS, For more than a century, two of the greatest nations in the world, the United States and Canada, have enjoyed a close and lasting friendship, and the year 1969 will mark the 102nd aninversary of Canada as a nation and the 152nd anniversary of the Rush-Bagot Agreement which demilitarized the boundary between these two nations; and

WHEREAS, The Rush-Bagot Agreement established permissible armament levels for each nation on the Great Lakes, and was proclaimed by President Monroe on April 28, 1818, to be effective as of April 28, 1817, the date of an exchange of notes between Richard Rush, an American lawyer and diplomat who was Acting Secretary of State for the United States, and Sir Charles Bagot, a British diplomat and administrator who was Minister to the United States; and

WHEREAS, Two nations, growing greater each decade, have given a bright example to the nations of a world growing smaller each decade as measured by communication and transportation by forever distinguishing themselves by neutraliza-

tion of the Great Lakes and avoidance of hostile fortification to the end that today a feeling of high regard, mutual respect, and goodwill pervades the relationship between the nations; and

WHEREAS, In 1922, Kiwanis International instituted the observance of "Canadian-United States Days" to celebrate the Rush-Bagot Agreement and the enduring friendship of our nations, and this observance is now known as "Canada-United States Goodwill Week" and is observed each year by Kiwanis Clubs throughout the land through efforts to inform people on life in our neighboring country, demonstrations of friendliness toward our neighbors themselves, and efforts to improve understanding between the two great pioneering nations of Kiwanis; and

WHEREAS, The spirit of friendship existing between the United States and Canada was best expressed in the last public address of President Warren G. Harding when he said:

> "What an object lesson of peace is shown by our two countries to all the world. No grim-faced fortifications mark our frontiers, no huge battleships patrol our dividing waters, no stealthy spies lurk in our tranquil border hamlets. Only a scrap of paper, recording hardly more than a simple understanding, safeguards lives and properties on the Great Lakes, and only humble mileposts mark the inviolable boundary line for thousands of miles through farm and forest. Our protection is in our fraternity, our armor is our faith, and the tie that binds more firmly year after year is ever-increasing acquaintanceship and comradeship through interchange of citizens; and the compact is not of perishable parchment but of fair and honorable dealing, which, God grant, shall continue for all time";

now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of April 27–May 3, 1969, as "Canada-United States Goodwill Week," and urge the citizens of California to observe the anniversary of the Rush-Bagot Agreement and the everlasting and historic friendship it has created between the citizens of our great nation and Canada; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Reagan and suitably prepared copies to Kiwanis International and the Kiwanis Club of South Sacramento.

RESOLUTION CHAPTER 148

Senate Concurrent Resolution No. 94—Relative to National Defense Transportation Day and National Transportation Week.

[Filed with Secretary of State May 7, 1969.]

WHEREAS, Transportation is a vital modern-day network steeped in the history of the "Conestoga" and the "Iron Horse" in the days of our westward expansion up to our present-day supersonic jets, and this transportation system helps keep the wheels of commerce and industry turning, and makes us the most mobile society in the history of the world; and

WHEREAS, Our personal, commercial, and economic lives, as well as our national defense, are dependent upon efficient, modern, and rapid transportation; and

WHEREAS, The Congress, by Senate Joint Resolution 22 of May 16, 1957 (71 Stat. 30), has requested the President to proclaim annually the third Friday of May of each year as National Defense Transportation Day, and by House Joint Resolution 628 of May 14, 1962 (76 Stat. 69), has requested the President to proclaim annually the week of May in which that Friday falls as National Transportation Week, as a tribute to the men and women who, working night and day, move the goods and people throughout our land; and

WHEREAS, The President has designated Friday, May 16, 1969, as National Defense Transportation Day, and the week beginning May 11, 1969, as National Transportation Week; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge all Californians to participate, with representatives of the transportation industry, our armed services and state and local agencies, in the observance of these occasions through appropriate ceremonies; and be it further

Resolved, That the Governor is hereby requested to proclaim the week beginning May 11, 1969, as California Transportation Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor of the State of California.

RESOLUTION CHAPTER 149

Senate Concurrent Resolution No. 98—Relative to proclaiming May 4 to May 10, 1969, the 55th National Be Kind to Animals Week.

[Filed with Secretary of State May 7, 1969.]

WHEREAS, We have been endowed by our Creator not only with the blessings and benefits of our animal friends who provide us clothing, food, and pleasure in life, but also with a firm responsibility to protect the dumb creatures given us as a sacred trust, and to show kindness and mercy to them in all our affairs; and

WHEREAS, The people of the State of California are deeply indebted to the animal anticruelty control and welfare agencies for the invaluable contribution they make each year in educating our children in humane principles, and in promoting a true working spirit of kindness and consideration for animals in the hearts and minds of all our people; and

WHEREAS, We recognize the timeless value of the teaching of kindness to our young people through humane education, and realize that out of kindness to dumb creatures grows kindness and love for both man and God; and

WHEREAS, The week of May 4 to 10, 1969, has been set as the 55th annual celebration of the national week observing the philosophy of kindness to animals; now, therefore, be it

Resolved by the State of California, the Assembly thereof concurring, That the members urge Governor Ronald Reagan to proclaim the week of May 4 to 10, 1969, as the 55th National Be Kind to Animals Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 150

Assembly Concurrent Resolution No. 155— Relative to Dairy Month.

[Filed with Secretary of State May 8, 1969.]

WHEREAS, June is the month when nature bestows upon us her most nearly perfect weather; and

WHEREAS, Milk is nature's most nearly perfect food; and

WHEREAS, June is the time to enjoy to the fullest all of the fine milk products found in California; and

WHEREAS, Citizens of this state should be encouraged to use milk and other dairy foods so that they may enjoy improved health and increased prosperity; and

WHEREAS, Her Majesty, the Dairy Cow, should be honored for her daily work and dedicated contribution to the health and prosperity of our state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim June to be Dairy Month; and be it further

Resolved, That the members urge civic and business organizations to cooperate in this observance; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to the California Dairy Industry.

RESOLUTION CHAPTER 151

Assembly Concurrent Resolution No. 163—Approving amendments to the Charter of the City of Chico, County of Butte, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the eighth day of April, 1969.

[Filed with Secretary of State May 9, 1969]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments hereinafter set forth to the Charter of the City of Chico, a municipal corporation of the County of Butte, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

State of California, }
County of Butte, } ss.
City of Chico. }

We, the undersigned, Gordon H. Casamajor, Mayor of the City of Chico, and Barbara A Evans, Clerk of the City of Chico, do hereby certify and declare as follows:

That the City of Chico in the County of Butte, State of California, has at all times mentioned herein been, and now is, a City of the State of California, containing a population of more than thirty-five hundred (3500) inhabitants, and less than fifty thousand (50,000) inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States of America, and ever since the 2nd day of May, 1961, has been existing and acting under a freeholders charter adopted under and by virtue of the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said City at an election held for that purpose on the 7th day of June, 1960, and approved by the Legislature of the State of California on the 16th day of January, 1961.

That the legislative body of the said city, namely, the Council of said city, of its own motion did, pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, by resolution adopted the 4th day of February, 1969, and duly published in the manner and form required by law, duly proposed to the qualified electors of the City of Chico, certain amendments to the Charter of said City and ordered that said amendments be submitted to the qualified electors of said City on the 8th day of April, 1969, at the General Municipal Election to be held in said City, the date of which election is fixed by said Charter of the City of Chico hereinbefore referred to, and which said date was fixed in said resolution as the date for voting upon said amendments proposed.

That said proposed amendments, as set out in said resolution and as submitted at the said election, all as hereinafter set out, were published and advertised in the manner and for the time provided by law, in the Chico Enterprise-Record, a daily newspaper of general circulation printed and published in the City of Chico and having a general circulation therein, said newspaper being the officially designated newspaper of the City of Chico. That in all respects notice was given, published and advertised in the manner and for the time required by Section 8, Article XI of the Constitution of the State of California, the Charter of the City of Chico, and the Elections Code.

That on March 4, 1969, the Council of the City of Chico regularly adopted Ordinance No. 899, entitled "An Ordinance Ordering the Calling and Holding of a General Municipal Election in the City of Chico and in Chico Unified School District to be Held on April 8, 1969."

That said election was duly held pursuant to said call on April 8, 1969, which date was not less than forty (40) nor more than sixty (60) days after the completion of the publication of said proposed amendments in the "Chico Enterprise-Record" as aforesaid, and a majority of the qualified electors voting thereon voted in favor of said proposed amendments, as determined by a canvass of the returns of said election duly and regularly made by the Council of the City of Chico, and said Council did, by Resolution No. 102 68-69, duly and regularly adopted, declare the results of said election in so far as it concerned the proposed charter amendments, as determined from a canvass of the returns thereof, which result was as follows:

Total ballots cast 3,002

Total number of votes cast in favor of and against the several Charter amendments, were as follows:

	Yes	No
MEASURE (C) (Repeal of Charter Sections 1009 and 1009.1)	2098	648
MEASURE (D) (Amendment of Charter Section 1103)	2287	454
MEASURE (E) (Amendment of Charter Section 1104)	1774	1064
MEASURE (F) (Amendment of Charter Section 611)	1954	738
MEASURE (G) (Amendment of Charter Section 613)	2080	653

That the charter amendments so ratified by the qualified electors of the City of Chico are now submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of

the State of California, and which is in words and figures as follows:

AMENDMENTS TO THE CHARTER OF THE CITY OF CHICO

That the Charter of the City of Chico be amended by (a) repealing Sections 1009 and 1009.1 thereof providing for the appointment, powers and duties of a board of social service commissioners and (b) amending Sections 1103, 1104, 611 and 613 thereof to read as follows:

"Section 1103. Annual budget—Adoption; fixing of tax rates.

During the month of June, the council shall consider and adopt a tentative budget. Final adoption shall be at the first regular meeting in July, at which time the tax rates shall be fixed."

"Section 1104. Funds and tax limits.

There are hereby created the general, park, library, airport and sidewalk tree funds, and the council shall levy and collect annual taxes for these funds not in excess of the following rates per $100.00 of assessed valuation:

General	$1.25
Park	.35
Library	.20
Airport	.10
Sidewalk Tree	.20"

"Section 611. Ordinances and resolutions—Adoption and publication.

a. No ordinance, other than an emergency ordinance, shall be adopted by the council within five (5) days after its introduction, nor at other than a regular or an adjourned regular meeting. At the time of introduction, an ordinance shall become a part of the proceedings of said meeting in the custody of the city clerk. An ordinance may be introduced by a reading of its title only. Before adoption, it shall be read in full, unless after reading the title thereof, a further reading is waived by the unanimous consent of the councilmen present, which consent shall be established by a motion and a recorded roll-call vote.

b. An ordinance altered or amended after its introduction and before adoption shall not be adopted within five (5) days after such alteration or amendment. Such ordinance shall be reread as altered or amended before adoption unless rereading thereof is waived as provided in subsection (a) hereof. Corrections of typographical or clerical errors which do not change the intent expressed in the ordinance shall not be deemed alterations or amendments within the meaning of this subsection.

c. Every ordinance must be published once in the official newspaper of the city, or in such other form that it may be sent to the voters. One copy of every ordinance introduced shall be posted by the clerk within twenty-four (24) hours after introductory reading on the public bulletin board in the Municipal Building of the city.

d. The clerk shall thereafter note on a posted copy any corrections, alterations or amendments which may occur after the time of the introductory reading.

e. Failure of the clerk to post said ordinance or to make corrections thereon as provided in subsections (c) and (d) hereof, shall not affect the validity of any ordinance otherwise regularly adopted.

f. Where the council is authorized to act by a resolution, such resolution shall be read in full, unless, after reading of the title thereof, a further reading thereof is waived by a unanimous vote of the councilmen present in the manner provided in subsection (a) hereof for waiver of reading of ordinances in full."

"Section 613. Ordinances—Amendment.

No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance may be revised or re-enacted, or the section, sections, or subsections thereof to be amended, or the new section, sections, or subsections to be added thereto shall be set forth at length as to the particular section, sections, or subsection to be so revised, re-enacted or adopted, and adopted in the method provided in Section 611 of this Charter. No ordinance or section or subsection thereof shall be repealed except by an ordinance adopted in the manner provided in this Charter, provided that an ordinance, section or subsection thereof may be repealed by reference to the number of the ordinance, section or subsection and to the title of the ordinance or section."

We further certify that we have compared the foregoing proposed and ratified amendments to the Charter of the City of Chico with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, exact and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Chico to be affixed hereto this 21st day of April, 1969.

(SEAL)

GORDON H. CASAMAJOR
Mayor of the City of Chico
BARBARA A. EVANS
Clerk of the City of Chico

Approved:
GRAYSON PRICE,
City Attorney

WHEREAS, the proposed charter amendments, as ratified as hereinabove set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section 8, Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Chico as proposed to and adopted and ratified by the electors of the city, as hereinabove fully set forth, be, and the same are hereby approved as a whole, without alterations or amendment, for and as an amendment to, and as part of the Charter of the City of Chico.

RESOLUTION CHAPTER 152

Assembly Concurrent Resolution No. 125—Relative to proclaiming the week of May 4th to 10th as Council for Exceptional Children Week.

[Filed with Secretary of State May 12, 1969.]

WHEREAS, The 19th Annual Conference of the California State Federation of the Council for Exceptional Children will be held in San Diego the week of May 4th to May 10th; and

WHEREAS, The Council for Exceptional Children is engaged in various activities to advance the education of exceptional children, who are the gifted, mentally retarded, deaf, speech and hearing handicapped, the orthopedically, visually, emotionally, and educationally handicapped; and

WHEREAS, The Legislature has recognized the needs of exceptional children with many programs of support, yet, at the same time, is aware of the limitations of those programs and of the remaining needs which have not been served; and

WHEREAS, The Council for Exceptional Children is the one statewide and nationwide professional organization which is dealing with the entire spectrum of exceptional abilities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to issue a proclamation designating the week of May 4th to 10th as "Council for Exceptional Children Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 153

Assembly Concurrent Resolution No. 137—Relative to Columbian Squires Week.

[Filed with Secretary of State May 12, 1969]

WHEREAS, The Columbian Squires is a national fraternal organization of Catholic boys between the ages of 13 and 18, sponsored by the Knights of Columbus affiliates of the National Council of Catholic Youth; and

WHEREAS, It is the purpose of the Columbian Squires to assist youth of high school age to develop leadership and good character through a fourfold program of spiritual, civic-cultural, social, and athletic activities; and

WHEREAS, The first local circle of the Columbian Squires was organized in 1925 in Duluth, Minnesota, and the organization has grown since that time to include circles throughout the United States, serving thousands of young men; and

WHEREAS, The program of the Columbian Squires has helped, and continues to help, mold young men into well-rounded and mature citizens who contribute to their communities; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members request the Governor to issue a proclamation designating the week of May 4 to 10 as "Columbian Squires Week" throughout the state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 154

Assembly Concurrent Resolution No. 166—Relating to commending Thomas A. Maloney on his distinguished career of public service.

[Filed with Secretary of State May 12, 1969.]

WHEREAS, The Members of the Legislature have learned that Thomas A. Maloney, esteemed former Assemblyman and State Senator, will celebrate his 80th birthday on May 22, 1969; and

WHEREAS, Mr. Maloney began his service to the State of California in 1924 when he was elected to the State Senate and continued to hold office for 32 years, being elected to the Assembly after the reapportionment plan for State Senators occurred in 1932; and

WHEREAS, His abilities were widely recognized and he was elected Speaker pro Tempore of the Assembly in 1943, and performed the duties of that office with skill and distinction for 14 years; and

WHEREAS, "Tommy," as he was known by his many friends, worked diligently in behalf of the people of the State of California and specifically for those disadvantaged groups that needed a spokesman of his unquestioned stature; and

WHEREAS, Of all the creative and constructive legislation that he spearheaded, he is most proud of those measures increasing workmen's compensation and disability benefits, unemployment insurance coverage, and pensions for the aged and the blind; and

WHEREAS, He has been a dynamic participant in community affairs, having been president of the Potrero Boosters and Merchants Association, member of the Eagles, Woodmen, Elks, and Union Square Optimist Club, and an honorary member of the Monte Cristo Club of San Francisco, Italian Catholic Federation, North Beach Merchants' Association, Lumber Handlers' Association, and the Maritime Democratic Club; and

WHEREAS, He is well known by his many friends for his sparkling and diplomatic personality; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Thomas A. Maloney on the occasion of his 80th birthday for his outstanding career in public service and express their deep affection for him, and wish him the happiest of birthdays, with many more to follow; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Thomas A. Maloney.

RESOLUTION CHAPTER 155

Assembly Concurrent Resolution No. 167—
Relative to beach safety.

[Filed with Secretary of State May 12, 1969]

WHEREAS, Beaches throughout the State of California serve an important role in providing recreation for citizens and visitors; and

WHEREAS, The surf is a magnet which attracts young and old alike to the beach, and surf activities have a strong appeal suitable for wide public participation; and

WHEREAS, Public safety is a basic consideration in beach operations, and beach facilities endeavor to provide adequate lifeguard protection as a safe place for children and adults to enjoy their leisure time; and

WHEREAS, Beach lifeguards are highly trained in surf safety and their experience and judgment in rendering invaluable aid to beach visitors have won them great respect and admiration; and

WHEREAS, Hundreds of lives are saved each year by the vigilance and responsible efforts of lifeguards who, at the risk

of their own lives, have insured the safety of California's beaches; and

WHEREAS, Establishment of an annual Beach Safety Week is a means of calling public attention to the role of beach lifeguards, as well as urging public cooperation in connection with beach safety; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members respectfully request the Governor to proclaim May 26 through June 1, 1969, as Beach Safety Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 156

Senate Concurrent Resolution No. 57—Relative to the Joint Committee on Legislative Organization.

[Filed with Secretary of State May 15, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That a subcommittee of the Joint Committee on Legislative Organization is hereby created to be known as the Subcommittee on Legislative Assistance, and that the Chairman of the Joint Committee on Legislative Organization shall appoint one member of the Joint Committee on Legislative Organization from each house to be members of the subcommittee; and be it further

Resolved, That the subcommittee shall have the duty and responsibility of offering such assistance as may be desired by Members of the Legislature, former members, and their families and rendering such aid and assistance as is possible through the offices of the Sergeants at Arms and other officers and employees of the Legislature in the event of the death of a member, former member, or a member of their families; and be it further

Resolved, That the Sergeants at Arms and other officers and employees of each house of the Legislature shall render such aid or assistance as may be requested or directed by the subcommittee; and be it further

Resolved, That the Joint Committee on Legislative Organization shall allocate to the subcommittee, from any funds available therefor, such funds as may be required to carry out its functions.

RESOLUTION CHAPTER 157

Assembly Concurrent Resolution No. 17—Relative to naming a portion of State Highway Route 57 the Orange Freeway.

[Filed with Secretary of State May 15, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 57 between its southerly terminus in the City of Newport Beach and State Highway Route 60 near the City of Walnut is hereby officially designated and named the Orange Freeway; and be it further

Resolved, That, upon completion of appreciable freeway segments, the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portion of the highway showing the official designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 158

Assembly Concurrent Resolution No. 143—
Relative to National Library Week.

[Filed with Secretary of State May 15, 1969]

WHEREAS, Our society is undergoing a period of rapid technological change that is characterized by an increasing body of knowledge in all fields of human endeavor; and

WHEREAS, New ideas, new thoughts, new theories, new technology and new problems have created a demand for more knowledge; and

WHEREAS, To successfully assimilate this vast ever growing reservoir of knowledge and to keep abreast of the rapid changes, it is essential that the modern citizen develop good reading habits; and

WHEREAS, April 20 through April 26 has been designated as National Library Week; and

WHEREAS, The objective of this week is to create a better read, better informed America by encouraging lifetime reading habits and stimulating greater library use; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim April 20 through April 26 as National Library Week and urge all the citizens of California to make better use of the facilities of their local library; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 159

Assembly Concurrent Resolution No. 164—Relative to the death of former Congressman Harry R. Sheppard.

[Filed with Secretary of State May 15, 1969.]

WHEREAS, It was with the most sincere and profound sorrow that the members learned of the untimely death of former Congressman and longtime dean of the California congressional delegation, Harry R. Sheppard; and

WHEREAS, Born in Mobile, Alabama, on January 10, 1885, and having graduated from Georgia Institute of Technology in 1907 and studied law for three years, he came to California at the age of 29 and later opened his own consulting engineering firm in Fresno in 1920, which he sold in 1924, and then moved to Yucaipa, where he developed the King's Beverage and King's Laboratories corporations, serving as president and general manager until 1934, when he retired from active business; and

WHEREAS, First elected to the House of Representatives in 1936, highly respected by his colleagues in Congress and admired and honored by the people he served, he was reelected 14 consecutive times before his retirement on January 3, 1965, having represented at one time or another the 19th, 21st, 27th, and 33rd Congressional Districts; and

WHEREAS, A member of the House Appropriations Committee and chairman of the Military Construction Appropriations Subcommittee, he thus became an influential Member of Congress and worked unceasingly for a strong military force, work which was duly recognized when, after his retirement, he received the coveted Eagle Certificate, the highest peacetime award made by the National Guard Bureau, and the Department of Defense Medal for Distinguished Service, being only the second legislator so honored, for devoting "long hours to the development and preservation of the strength and the vitality of the military establishment while tirelessly serving those who chose him for this office"; and

WHEREAS, "A legend in his own time," the work he has done is evident on all sides . . . at Norton Air Force Base, George Air Force Base, Ontario Airport, Kaiser Steel Company, and numerous flood control works, all serving as a constant memorial to this life of public service; and

WHEREAS, As "one of the great congressional figures in California history," he has also left a rich legacy of public service to the people, to whom service was his most overriding consideration; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their profound sorrow on the untimely death of former Congressman Harry R. Sheppard, and extend their deepest condolences to his widow, Kay Olson Sheppard; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to his widow, Kay Olson Sheppard.

RESOLUTION CHAPTER 160

Assembly Joint Resolution No. 13—Relative to drug abuse.

[Filed with Secretary of State May 15, 1969.]

WHEREAS, The sale and use of narcotics, marijuana, and dangerous drugs in California is reaching staggering proportions, especially among California's young people; and

WHEREAS, In the past eight years juvenile narcotic, marijuana, and dangerous drug arrests have increased by 2,000 percent, and these arrests show that the use of these dangerous drugs has spread to all levels of our society; and

WHEREAS, Marijuana has become available in the high schools and elementary schools of California at an ever-increasing rate, creating dangerous antisocial behavior in young people; and

WHEREAS, Studies have indicated that certain individuals are prone to drug abuse and will progress from marijuana to heroin; and

WHEREAS, It has been estimated that 90 percent of the dangerous drugs which are sold and used in California enter our state from Mexico, and present efforts to stop this importation have not been sufficient; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the need for effective and immediate action on the part of the federal government to help check the flow of narcotics, marijuana, and dangerous drugs into California be brought to the attention of the President and the Congress of the United States; and be it further

Resolved, That the Assembly and Senate of the State of California respectfully request the President and the Congress of the United States to take immediate action to help the State of California by the effective administration of federal legislation and by the dissemination of factual information on federal laws concerning this problem; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 161

Senate Concurrent Resolution No. 89—Relative to the death of Alan Mowbray.

[Filed with Secretary of State May 16, 1969.]

WHEREAS, It was with the most profound sorrow that the members learned of the recent death of a long-time friend, veteran character actor, and founder of the Screen Actors Guild, Alan Mowbray; and

WHEREAS, Alan Mowbray was born in London, England, August 18, 1896, and appeared on stage in his native land before coming to the United States; and

WHEREAS, He appeared in over 300 motion pictures during his long career, including "Captain From Castile," "Prince of Thieves," "Androcles and the Lion," "The King and I," and "The Man Who Knew Too Much," as well as starring in the television series, "Col. Humphrey Flack"; and

WHEREAS, Mr. Mowbray was active in the Hollywood Masquers, a performers's social organization, of which he was president twice; and

WHEREAS, Alan Mowbray brought great joy to the Members of the Legislature and to the citizens of the world; and

WHEREAS, He leaves his wife, Lorayne, a daughter, Mrs. Patricia Dumbrille, a son, Alan Mowbray, Jr., and two grandchildren; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their sorrow at the loss of Alan Mowbray and extend their deepest condolences to his family upon his passing; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to his widow, Lorayne, to his son, to his daughter, and to The Masquers.

RESOLUTION CHAPTER 162

Senate Concurrent Resolution No. 99—Relative to "Senior Citizens' Month."

[Filed with Secretary of State May 16, 1969]

WHEREAS, The senior Californians, numbering 1,800,000, are one of the Golden State's most valuable resources, actively contributing to all segments of society; and

WHEREAS, Our senior Californians, who increase in number every year, continue to provide us with a wealth of guidance and counsel born of the wisdom and experience of their years; and

WHEREAS, The many working years of the senior Californian are the basis of the prosperity that all generations of Cali-

fornians now enjoy, and they deserve recognition of that merit; and

WHEREAS, Every Californian will benefit from expanding the opportunities for the senior Californian to make fuller use of his talents and experience; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to designate May 1969 as Senior Citizens' Month in California; and be it further

Resolved, That the State of California, through the California Commission on Aging, shall offer stimulation, cooperation and direction in providing hope and renewed vigor to senior Californians, and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and to the California Commission on Aging.

RESOLUTION CHAPTER 163

Senate Concurrent Resolution No. 107—Approving an amendment to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, voted for and ratified by the qualified electors of said city at the regular municipal election held therein on the first day of April, 1969.

[Filed with Secretary of State May 16, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of amendments to the Charter of the City of Berkeley, a municipal corporation in the County of Alameda, State of California, as set out in the certificate of the mayor and city clerk of the said city as follows, to wit:

State of California } ss.
County of Alameda }

We, the undersigned, Wallace J. S. Johnson, Mayor of the City of Berkeley, State of California, and Edythe Campbell, City Clerk of said City, do hereby certify as follows:

That the City of Berkeley, a municipal corporation in the County of Alameda, State of California, now is and at all times herein mentioned, was a City containing a population of more than 3,500 inhabitants, and has been ever since the 1st day of July, 1909, and now is organized and existing under a freeholder's charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on the 30th day of January, 1909, and approved by the Legislature of the

State of California by Assembly Concurrent Resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes 1909, p. 1208).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on its own motion, the Council of the City of Berkeley, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City certain proposals designated as "Charter Amendments" to amend the Charter of said City and to be voted upon by said qualified electors at the regular municipal election held in said City on the 1st day of April, 1969.

That said proposed amendments were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California on the 13th day of February, 1969, in the Berkeley Daily Gazette, a daily newspaper of general circulation published in said City of Berkeley and the official newspaper of said City, and in each edition thereof during the day of publication.

That copies of said proposed amendments were printed in convenient pamphlet form and in type of not less than ten point, and copies thereof were mailed to each of the qualified electors in said City in accordance with the Constitution of the State of California and the Charter of the City of Berkeley; and an advertisement that copies thereof could be had by the application therefor at the office of the City Clerk of the City of Berkeley was published in said Berkeley Daily Gazette, a newspaper of general circulation published in said City, on the 14th day of February, 1969, and on each day thereafter to and including the 1st day of April, 1969, all as required by Section 8 of Article XI of the Constitution of the State of California.

That copies of said pamphlet containing said proposed Charter Amendments could be had upon application therefor at the office of the City Clerk of said City to and including the 1st day of April, 1969, the date fixed for said election.

That said regular municipal election was duly and regularly held in said City of Berkeley, after due notice given and published, on the 1st day of April, 1969, which day was not less than forty (40) days, nor more than sixty (60) days after completion of the publication and advertisment of the aforementioned proposed Charter Amendments in the Berkeley Daily Gazette, the official newspaper of said City.

That the returns of said election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to, and it was duly found, determined and declared by the proper officers thereunto duly and properly authorized that one (1) of the amendments to the Charter of the City of Berkeley, hereinafter set forth, was ratified by a majority of the electors of said City voting thereon; that the Council of the City of Berkeley did by its Resolution No.

43,021-N.S. duly declare the results of said election as determined by the canvass of the returns thereof.

That as to said Charter Amendment, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

That said Amendment to the Charter of the City of Berkeley so ratified by the electors of said City is in the words and figures as follows, to wit:

Charter Amendment No. 2

That Article III of the Charter of the City of Berkeley be amended by adding thereto a new Section 6 to read as follows:

Section 6. Votes for Deceased Candidates

Whenever a candidate whose name appears upon the ballot at a general municipal election dies before the time of the closing of the polls on the day of election, the votes cast for such deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives the highest number of the votes cast for the office, or if more than one is to be elected to such office and the deceased candidate receives sufficient votes to be one of those elected for such office, he shall be considered elected and the office to which he was elected shall be vacant at the beginning of the term for which he was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

And we further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Berkeley with the original proposal submitting the same to the electors of said City, and find that the foregoing is a full, true, correct and exact copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Berkeley to be affixed hereto, this 21st day of April, 1969.

(SEAL)

WALLACE J. S. JOHNSON
Mayor of the City of Berkeley
EDYTHE CAMPBELL
City Clerk of the City of Berkeley

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and now is duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California.

Now, therefore, be it resolved by the Senate of the State of California, the Assembly concurring, a majority of all the

members elected to each House voting therefor and concurring therein, That said amendment to the Charter of the City of Berkeley as presented to, and adopted and ratified by the electors of the said city and as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the Charter of said City of Berkeley.

RESOLUTION CHAPTER 164

Senate Concurrent Resolution No. 108—Relative to commending municipal clerks and proclaiming the week of May 19 through May 25, 1969, Municipal Clerks' Week.

[Filed with Secretary of State May 16, 1969]

WHEREAS, In order to best serve the citizenry, municipal government must be operated with efficiency and in an orderly fashion; and

WHEREAS, The efficiency and order with which government carries out its public functions could not exist without records and procedures; and

WHEREAS, The keepers of the records are those who work with these procedures each day, the municipal clerks of our cities and towns; and

WHEREAS, Without the municipal clerks' conscientious dedication to the duties of their office, municipal affairs would clearly end in chaos; and

WHEREAS, Government at any level is successful only so long as it is able to meet the needs of the people; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members recognize and commend municipal clerks for their untiring and loyal contributions to successful government, and request the Governor to proclaim the week of May 19 through May 25, 1969, as Municipal Clerks' Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 165

Senate Joint Resolution No. 25—Relative to the issuance of a Queen Mary commemorative stamp.

[Filed with Secretary of State May 19, 1969.]

WHEREAS, The City of Long Beach, California, on August 18, 1967, purchased the R.M.S. Queen Mary, to be developed

as a museum of the sea and as a site for a hotel and convention center; and

WHEREAS, Such a development would constitute a superb tourist attraction and educational center as to the historical growth of ocean commerce through the ages and to the bright future of scientific exploration and development of the earth's sea resources; and

WHEREAS, The Queen Mary was conceived in 1926 as a luxury liner for transatlantic service, launched on September 26, 1934, by H.M. Queen Mary, and commenced service on May 26, 1936, sailing on her maiden voyage from Southampton to New York, and from that day on became the symbol of the solidarity of relations between the United States and England; and

WHEREAS, Activated as a troopship on March 21, 1940, while in New York, she sailed approximately 570,000 miles through submarine-infested waters and carried over 810,000 passengers, including 765,000 servicemen, safely; and

WHEREAS, The Queen Mary holds a special place not only in the hearts of thousands of our veterans who sailed on her during those dark days of World War II, but also in the hearts of thousands of war brides and children who were transported to this country from England after the war; and

WHEREAS, Until her retirement from commercial service in 1967 by the Cunard Lines, the Queen Mary had carried over two million fare-paying passengers and had sailed more than 3.7 million nautical miles, equivalent to approximately 12 round trips to the moon; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California recommends that the Post Office Department of the United States in 1970 print a commemorative stamp honoring the R.M.S. Queen Mary on the 36th anniversary of her launching; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States and to the Postmaster General of the United States.

RESOLUTION CHAPTER 166

Assembly Concurrent Resolution No. 170—
Relative to Municipal Clerks' Week.

[Filed with Secretary of State May 20, 1969.]

WHEREAS, Our liberties are dependent upon keeping government close to our people in fact as well as in theory; and

WHEREAS, Vigorous, responsible local government is of great importance and every effort should be made to increase the participation and influence of local government in the world's public affairs; and

WHEREAS, The municipal clerks of the cities, towns and boroughs are of paramount importance in every community; and

WHEREAS, These officials are the keepers of the records that guide our everyday living; and

WHEREAS, The municipal clerks are a key source of knowledge in any community, receiving reams of letters, thousands of reports, issuing licenses, operating the election machinery, recording deeds and administering the numerous other obligations directed to their offices by their governing bodies; and

WHEREAS, The municipal clerks are dedicated to their office and perform their duties and obligations in a sincere, honest and loyal manner; and

WHEREAS, Municipalities would be materially handicapped but for the conscientious, unswerving and untiring efforts of the clerks; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim May 19 through 25, 1969, as "Municipal Clerks' Week" and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 167

Assembly Concurrent Resolution No. 148—
Relative to Foster Parents Week.

[Filed with Secretary of State May 21, 1969.]

WHEREAS, Notable success has been achieved in California under an arrangement whereby children left without proper parental care are able to have "temporary" parents; and

WHEREAS, Continued faith in American ideals and institutions, and the social and economic stability of the state and the nation, depend upon the preservation of the family as a moral and socializing force in our society; and

WHEREAS, Continuance of the family as the basic ingredient of social organization calls for the placing of such children in the home of well-screened and responsible adults, or "foster parents," who treat a foster child as their own and attempt to instill in him those disciplines and standards that will be necessary for him to lead a happy and productive life; and

WHEREAS, The foster parent program furnishes each foster parent with the opportunity to be a part of something that is important to the future of mankind and furnishes each participating child with the opportunity to have a directive force in his life; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Gov-

ernor to proclaim the week of May 25 to 31, 1969, as Foster Parents Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 168

Senate Concurrent Resolution No. 100—Relative to Future Business Leaders of America Week.

[Filed with Secretary of State May 21, 1969.]

WHEREAS, The future economic growth and development of our country will be largely dependent on our future business leaders; and

WHEREAS, The Future Business Leaders of America is an organization created by the United Business Education Association to develop the young adults majoring in business education courses in our high schools and colleges; and

WHEREAS, The organization is operated as an integral part of our educational system and is financed solely by the students; and

WHEREAS, During the week of April 21 to 27, 1969, the members of the nearly 150 high school chapters in California will be devoting themselves to various community service programs; and

WHEREAS, Nearly 600 delegates will convene in Sacramento on April 25th for the 20th annual state convention of the Future Business Leaders of America; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of April 21 to 27, 1969, as Future Business Leaders of America Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 169

Senate Concurrent Resolution No. 110—Relative to California Wheelchair Games Days.

[Filed with Secretary of State May 21, 1969.]

WHEREAS, The members have learned that the 1969 California Wheelchair Games will be held in Palo Alto May 23 to May 25, 1969; and

WHEREAS, The integration of handicapped persons into the recreational and competitive world has become a major concern of the able-bodied population; and

WHEREAS, The American ideal is to help individuals who help themselves; and

WHEREAS, The physically handicapped have proven their desire and ability to work and recreate, as do the able bodied; and

WHEREAS, The California Wheelchair Association, Incorporated, has organized to promote and administer an amateur, nonprofit endeavor of sports and recreation through competition to permit those with permanent physical disabilities to compete vigorously and safely under rules that are kept as close to "normal" rules as possible with wheelchair adaptations, as it has been found that almost all sports could be adapted to fit the ability of the wheelchair person, often with much more excitement and skill than the same sport for the able bodied; and

WHEREAS, The games will include competitive events in track and field, archery, basketball, swimming, fencing, table tennis, billiards, bowling, and weightlifting; and

WHEREAS, The games are open to all over the age of 12 years who require the use of a wheelchair to participate in sports and recreational activity; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim May 22 to 25, 1969, as California Wheelchair Games Days; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 170

Senate Concurrent Resolution No. 116—Approving a revised Charter of the City of Pacific Grove, County of Monterey, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the eighth day of April, 1969.

[Filed with Secretary of State May 21, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of a revised Charter of the City of Pacific Grove, a municipal corporation in the County of Monterey, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF ADOPTION AND RATIFICATION BY ELECTORS OF THE CITY OF PACIFIC GROVE OF THE ADOPTION OF A NEW AND REVISED CITY CHARTER.

State of California }
County of Monterey } ss.
City of Pacific Grove }

We, the undersigned, Earl D. Grafton, Mayor of the City of Pacific Grove, County of Monterey, State of California, and William S. Pitt, City Clerk of said City and Ex-officio Clerk of the City Council of said City, do hereby certify and declare as follows:

That the undersigned, said William S. Pitt, was at all the times herein mentioned, the Clerk of the Legislative Body of said City and City Clerk of said City of Pacific Grove; that heretofore and prior to the 28th day of January, 1969, the said City Council did cause to be framed a proposed charter for its own government, and on the 28th day of January, 1969, at a duly held meeting of said City Council of said City, said City Council by Resolution No. 4631 ordered said City Clerk to place the proposition of the adoption of said proposed charter on the ballot at the general municipal election ordered in the City of Pacific Grove for the 8th day of April, 1969, for the purpose of submitting said proposition to the electors of said City of Pacific Grove, and which resolution ordered that said charter be filed with the City Clerk of the City of Pacific Grove; that said proposed charter of the City of Pacific Grove was filed in the office of the City Clerk in the City Hall at Pacific Grove on the 3rd day of February, 1969, and said resolution further ordered that the adoption of the charter should be submitted to the electors at said general municipal election held on the 8th day of April, 1969, and directed that said City Clerk publish said proposed charter in the Monterey Peninsula Herald, a newspaper of general circulation, circulated in said City; that said notice was given by the said City Clerk in the notice hereafter referred to informing the electors that copies of the charter could be secured at the City Hall;

That said proposed charter was published pursuant to said order in said newspaper and in each edition thereof during the publication on the 14th day of February, 1969, said newspaper being of general circulation in said City of Pacific Grove; that the date of such publication was within fifteen days after the said charter was filed in the office of said Clerk of said City Council; that the date set for the submission to the electors of said proposed charter, to wit: April 8, 1969, was not less than forty days nor more than sixty days after the completion of the advertising in said official paper, as aforesaid;

That the population of said City of Pacific Grove is more than three thousand five hundred (3,500) and less than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States;

That said election was duly and regularly called and held on the 8th day of April, 1969;

That at said election a majority of the qualified voters voting hereon voted in favor of said proposed charter.

That the said City Council of the City of Pacific Grove at a meeting held on April 15, 1969, at the time and in the manner

provided by law and in accordance with the law in such cases made and provided, duly canvassed the returns of said election, and duly found, determined and declared that a majority of said electors voting thereon had voted in favor of said proposed charter, and that the same was adopted and ratified by more than the majority of the qualified voters of the City of Pacific Grove voting thereon, as follows, to wit:

Votes in favor of the adoption and ratification of said proposed charter	1,819
Votes against the adoption and ratification of said proposed charter	1,720

That said election was held in accordance with the existing charter of the City of Pacific Grove and in accordance with the laws of the State of California where applicable;

That in all matters and in all things pertaining to said Charter, all of the provisions of Section 8, Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

That said proposed charter, if approved by the Legislature, shall replace the present charter of said City;

That said charter so proposed, filed, adopted and ratified as herein set forth, is in the words and figures following, to wit:

CHARTER OF THE CITY OF PACIFIC GROVE

Article 1. Name

The municipal corporation now existing and known as "The City of Pacific Grove" shall remain and continue a body politic and corporate, as at present, in fact and in law, by the name of the "City of Pacific Grove," and by such name shall have perpetual succession.

Article 2. Boundaries

The boundaries of the City of Pacific Grove shall continue as now established and be changed only in a manner authorized by law.

Article 3. Inalienable Rights of City

The rights of the City in and to its waterfront, lands under water, and such public wharves, docks and landings as may be hereafter thereon constructed are hereby declared inalienable.

Article 4. Powers

The City of Pacific Grove by and through its Council and other officials, shall have and may exercise all powers necessary or appropriate to a municipal corporation and the general welfare of its inhabitants, which are not prohibited by the Constitution of the State and which it would be competent

for this Charter to set forth particularly or specifically; and the specification herein of any particular powers shall not be held to be exclusive or any limitation upon this general grant of powers.

Article 5. General Laws Applicable

All General Laws of the State applicable to municipal corporations now or hereafter enacted and which are not in conflict with the provisions of this Charter shall be applicable to the City of Pacific Grove, provided that the Council may adopt and enforce ordinances in compliance with the provisions of this Charter which shall control in relation to municipal affairs as against General Laws of the State.

Article 6. Officers and Employees

The officers of the City of Pacific Grove shall consist of six Councilmen and a Mayor, a City Manager, a City Clerk, a City Treasurer, a City Attorney, other officers as provided by ordinance, and Boards as provided by ordinance; provided, the Council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary, and that the Council may at any time, when in its judgment the interest of the City so demands, consolidate by ordinance the powers and duties of two or more City officers, and place the same in charge of one such officer. The Mayor and the members of the Council shall be elected from the City at large. All other officers, assistants, deputies, clerks, and employees shall be appointed as provided in this Charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Article 7. Residential Qualifications

No person shall be eligible to hold any elective office in said City unless he be a resident and elector herein, and shall have resided in said City for at least one year, next preceding the date of his election.

Article 8. Elections

General municipal elections shall be held in said City on the second Tuesday in April in each odd-numbered year under and pursuant to the provisions of the General Laws of the State of California governing elections in the cities of the sixth class so far as the same may be applicable, and except as herein otherwise provided. The City Council may by ordinance shift the date of any general municipal election by not more than 30 days in order to combine it with other local elections. All other municipal elections that may be held by authority

of this Charter or of General Law shall be known as special municipal elections. At least twenty days before the day of election each candidate for an elective office shall file with the City Clerk a sworn statement containing the following information: (A) his name; (B) the office for which he is candidate; (C) his present residence and occupation; (D) the public offices he ever held, if any, as principal, deputy or employee; (E) the experience, training or education he has received which, in his opinion, would qualify him to fill the office for which he is a candidate.

Article 9. Canvass of Returns

The Council of said City shall meet at its usual meeting place on the first Tuesday after any municipal election, duly canvass the returns and declare the result thereof, and install the newly elected officers, if any.

Article 10. Oath of Office

Every officer shall take and subscribe to the oath of office as provided in the Constitution of the State before entering upon the performance of his official duties.

Article 11. Official Bonds

The Council shall determine which officers shall give bonds for the faithful performance of their official duties, shall fix the amount of said bonds and the mode of approving the same. Such officers before entering upon their official duties, shall execute a bond to the City in the penal sum required, and said bond shall be approved by the Council and filed with the City Clerk.

Article 12. The Mayor

A Mayor shall be elected at each general municipal election and shall hold office for the term of two years from and after the Tuesday next succeeding the day of such election and until his successor is elected and qualified. The Mayor may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by State Law for General Law Cities of comparable size to Pacific Grove. He shall be ineligible to hold any other office or employment with the City except as a member of any board or committee thereof of which he is constituted such member by General Law. In case of riot, insurrection or extraordinary emergency the Mayor shall assume general control of the City government and all of its branches and be responsible for the suppression of disorders and the restoration of normal conditions. In the name and on behalf of the City he shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party. He shall represent the City at all ceremonial functions of a social or patriotic character when it is

desirable or appropriate to have the City represented officially thereat. In the case of vacancy in the office of Mayor during the temporary absence or disability of the Mayor, the Council shall choose one of its members to act as Mayor protempore.

Article 13. The Council

Three Councilmen shall be elected at each general municipal election and shall hold office for the term of four years each from and after the Tuesday next succeeding the day of such election, and until their successors are elected and qualified.

A vacancy in an elective office shall be filled by appointment by the Council, such appointee to hold office until the next general municipal election and until his successor is elected and qualified. Such successor shall be elected for the unexpired term of his predecessor at the general municipal election next succeeding such appointment. Should the Council fail to fill any such vacancy within thirty days after the same occurs, then it shall be filled by appointment by the Mayor; provided, however, that if the offices of a majority, or more, of the Council shall become vacant, then the City Clerk shall call a special election at once to fill the vacancies for the unexpired terms, and the same shall be conducted substantially in the manner provided for general municipal elections.

If any Councilman of the City shall remove from the City or absent himself therefrom for more than thirty days consecutively without the permission of the Council, or shall fail to qualify, or shall resign or be convicted of a felony, or be adjudged insane, his office shall thereupon become vacant.

The Councilmen may receive compensation as provided by ordinance, but in no case shall the compensation exceed that amount which is permitted by State Law for General Law cities of comparable size to Pacific Grove.

No Councilman shall be eligible to hold any other office or employment with the City except as a member of any board, commission, or committee thereof, or which he is constituted such member by the General Law of the State.

Article 14. Meetings of the Council

All meetings of the Council shall be held in the Council Chambers, unless by reason of fire, flood or other disaster, the Council Chambers cannot be used for that purpose, and all meetings shall be open to the public. In case of a crowd too large to be accommodated in the Council Chambers, the Council may adjourn to another location large enough to accommodate those who wish to attend. There shall be two regular meetings of the Council in each month at a day and hour by ordinance determined, and any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. The Council shall adopt rules for the conduct of its proceedings and

shall provide by ordinance the manner in which its special meetings may be called.

Article 15. Quorum

A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

Article 16. Ordinances

The enacting clause of all ordinances passed by the Council shall read as follows: "The Council of the City of Pacific Grove does ordain as follows:" The enacting clause of all ordinances passed by the vote of the electors of the City through the exercise of the initiative or referendum shall be: "The people of the City of Pacific Grove do ordain as follows:"

The affirmative vote of a majority of the Council shall be necessary to adopt any ordinances, resolutions or claims against the City, which vote shall be taken by ayes and noes and entered upon the record, and upon the request of any member of the Council the ayes and noes shall be taken and recorded upon any vote.

No ordinance shall be passed by the Council on the day of its introduction nor within five days thereafter, nor at any time other than at a regular meeting, nor until its publication at least once in the official newspaper of the City at least three days before its adoption; provided, any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and if passed by a five-sevenths vote shall become effective immediately.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purpose are retained. No ordinance or portion thereof shall be repealed, revised or amended except by ordinance, and all ordinances shall be signed by the Mayor and attested by the City Clerk. Except as provided by General Law, or by this Charter, no action providing for any specific public improvement, or for the expenditure or appropriation of public moneys, in an amount over Fifteen Hundred Dollars ($1,500.00), or for the acquisition, sale, lease, encumbrancing, or disposition of the real property of the City, or any interest therein, or for the levying of any tax or assessment, or for the granting of any franchise, or for the establishment or changing of fire limits, or business, residence, or other use zones, or for the imposing of any penalty, shall be taken except by ordinance.

Provided, however, that materials and supplies, equipment, furniture and fixtures, may be leased or purchased by said City and public moneys expended therefor in excess of Fifteen

Hundred Dollars ($1,500.00) by resolution of said Council inviting sealed proposals through notice published by the City Clerk in the official newspaper at least once, five days or more prior to the time fixed in said resolution for the public opening and declaring of such bids.

Article 17. The Initiative and Referendum

The initiative and referendum may be exercised in accordance with the Constitution and General Laws of this State, provided, however, that when any ordinance is referred to the electors either upon an initiative or referendum petition, it shall be voted upon at a special election to be held not less than twenty days nor more than thirty days from the presentation of the petition therefor unless there is to occur a special or regular municipal election not less than twenty days nor more than ninety days from the presentation of the petition, in which event the ordinance shall be submitted at such special or general election.

Article 18. The Recall

The recall may be exercised in accordance with the Constitution and General Laws of this State as to municipal officers.

Article 19. Oaths and Subpoenas

The Mayor, City Manager, and City Clerk shall have power to administer oaths, to issue subpoenas, to compel by subpoena the production of the books, papers and documents of the City and to take and hear testimony whenever necessary in carrying out their official duties.

Article 20. City Manager

There shall be a City Manager appointed by the affirmative vote of five-sevenths of the Council who shall be the administrative head of the City government. The City Manager shall be chosen by the Council without regard to political consideration and with reference solely to his qualifications for such office.

It shall not be necessary that he reside in the City at the time of his appointment, but he shall become a resident thereof within sixty days thereafter and thereafter during his incumbency actually reside in said City. The salary of the City Manager shall be fixed by ordinance.

The powers and duties of the City Manager shall be:

a. To see that all ordinances are enforced.

b. To appoint all heads of departments, subordinate officials and employees, and remove the same, and have general supervision and control over the same.

c. To exercise general supervision over all privately owned public utilities operating within the City so far as the same are subject to municipal control.

d. To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are fully observed and to report to the Council any violations thereof.

e. To act as purchasing agent for the City. He shall know the exact condition of the treasury at all times, and shall approve all demands before the same have been allowed by the Council if he is satisfied that the money is lawfully due.

f. To attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor.

g. To examine, or cause to be examined, without notice, the conduct, or the official accounts and records, of any officer or employee of the City.

h. To keep the Council advised as to the needs of the City.

i. To have supervision over all City property, including public buildings, parks and playgrounds.

j. To appoint such advisory boards as he may deem desirable to advise and assist him in his work, provided the members of such boards shall receive no compensation.

k. To cause a quarterly statement of all funds in the treasury to be submitted to the Council. Such statements shall be submitted not later than the first meeting in November, February, May and August.

Article 21. City Manager Protempore

In case of the absence from the City of the City Manager, or his temporary disability to act as such, the Council shall appoint a City Manager protempore, who shall possess the powers and discharge the duties of the City Manager during such absence or disability only, provided, however, that a City Manager protempore shall have no authority to appoint or remove any City officer or employee; provided that the Assistant City Manager (if any) shall be the City Manager protempore. If there is no Assistant City Manager, then the Council shall appoint a City Manager protempore as provided above.

Article 22. Interference With or by City Manager

Neither the Council nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or employment by the City Manager, or in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any

member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

Neither the City Manager, nor any appointive officer or employee of the City, shall take any active part in securing, or shall contribute money toward, the nomination or election of any elective candidate for municipal office.

Article 23. City Clerk

A City Clerk shall be appointed by the City Manager. The City Clerk shall be Clerk of the Council. It shall be the duty of the City Clerk, or his deputy, to attend all sessions of the Council and to keep an accurate record of the proceedings in a book marked "Minutes of the Council." He shall also keep a book marked "Ordinances" and record in it all City ordinances with his certificate annexed to each, stating:

a. It is a true and correct copy of a City ordinance.

b. The ordinance number.

c. It has been published or posted pursuant to law.

Said record copy, so certified, shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissable as such evidence in any court or proceedings. The official City records in the custody of the City Clerk shall not be filed in any court proceeding or other action but shall be returned to the custody of the City Clerk.

He shall be the keeper of the corporate seal of the City, and shall affix the same to instruments or writings requiring authentication.

The City Clerk and his deputies may administer oaths or affirmations and take and certify affidavits and depositions pertaining to City affairs and business which may be used in any court proceedings in the State.

The City Clerk is the accounting officer of the City and shall maintain records readily reflecting the financial condition of the City. At the end of each fiscal year he shall prepare and present to the legislative body a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury. The financial and accounting duties imposed upon the City Clerk may be transferred to a director of finance when such office has been established and the powers and duties thereof defined by ordinance.

The City Clerk shall perform such additional duties as are prescribed by ordinance.

Article 24. City Treasurer

A City Treasurer shall be appointed by the City Manager. He shall receive and safely keep all money coming into his hands as treasurer. He shall pay out money only on warrants signed by legally designated persons. Regularly, at least once each month, the City Treasurer shall submit to the City Clerk

and City Manager a written report and accounting of all receipts, disbursements, and fund balances. A copy of such reports shall be filed with the City Council as may be prescribed by ordinance. The City Treasurer shall perform such duties relative to the collection of City taxes and license fees as are prescribed by ordinance.

Article 25. City Attorney

There shall be a City Attorney appointed by the City Council. He shall be an attorney-at-law, admitted to the bar of the Supreme Court of this State, and one who has been in actual practice in the State, for at least three years next preceding his appointment. All other things being equal, an attorney who has had special training for this office or experience in municipal corporation law shall be appointed to this office, if practicable. The City Attorney shall be legal advisor of the Council and shall be available to all other City officials on City business.

He shall prosecute all violations of City ordinances, and shall draft all ordinances, resolutions, contracts, or other legal documents or proceedings required by the Council, or other officials, except as may be otherwise provided, and shall perform such legal services from time to time as the Council may require. and shall attend all meetings of the Council unless excused therefrom by three members thereof or by the Mayor. The retainer of the City Attorney shall be fixed by ordinance. When from any cause the City Attorney is unable to perform the duties of his office, he shall with the consent of the Council appoint some other qualified attorney to act temporarily in his place. Whenever, in the judgment of the Council, the interests of the City require it, assistant counsel may be employed. The City Attorney shall deliver all books, records, papers, documents, and personal property of every description, under his control, owned by the City, to his successor in office, and shall possess such other powers, and perform such additional duties, not in conflict with this Charter, as may be prescribed by ordinance.

Article 26. Compensation

The Council shall fix the compensation of all City officers and employees. The compensation of all officers and employees shall be fixed by ordinance. Any fees received by any officer or employee in connection with his official duties shall be paid by him into the City treasury.

Article 27. Pensions

No complete pension plan shall be set up by the City for any active or retired City official, employee, or member of the police or fire department, unless provided by an initiative or referendum ordinance adopted by the electors of the City; provided, however, that nothing herein shall prevent the offi-

cers or employees of the City from accepting the benefits of any Federal or State of California social security or old age retirement plans, whereby the City is only a contributor with the said officer or employee.

Article 28. Appointive Boards

There shall be the Boards enumerated in this Article which shall have the powers and duties as provided herein. The appointment of persons to serve on these Boards shall be made by the Mayor subject to the confirmation of a majority of the City Council.

The City Council, by a majority vote of all members thereof, may remove any member of any Board for cause.

Persons appointed to serve on such Boards shall hold office for four years and for only two successive terms; provided, however, that any person having served two successive terms may be reappointed to fill an unexpired term of another member after being off the Board for at least one year. After the expiration of two years, any such former Board member may be reappointed.

Any person appointed to serve on such Boards shall be a registered elector of the City and shall not hold any paid office or employment in the City government or be a member of any other Board as herein enumerated, or be a member of the City Council, except as an ex officio member without vote.

a. City Planning Board.

There shall be a Planning Board consisting of seven members, and shall have the following powers and duties:

(1) Recommend to the Council the adoption, amendment, or repeal of a General Master Plan, or any part thereof, for the physical development of the City.

(2) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(3) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution, or as may be prescribed by the General Laws of the State.

b. Library Board.

There shall be a Library Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public library.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and protection of the City Library.

(3) Perform such other duties relating to the library service as the Council may require by ordinance or resolution.

c. Museum Board.

There shall be a Museum Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a public museum.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and protection of the City Museum.

(3) Perform such other duties relating to the museum service as the Council may require by ordinance or resolution.

d. Recreation Board.

There shall be a Recreation Board consisting of five members and shall have the following powers and duties:

(1) Act in an advisory capacity to the Council and City Manager in all matters pertaining to the operation of a City recreation program.

(2) Recommend to the City Council the adoption of such by laws, rules and regulations as it may deem necessary for the administration and operation of a City recreation program.

(3) Promote and stimulate public interest in a recreation program and solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein.

(4) Perform such other duties relating to the recreation program as the Council may require by ordinance or resolution.

Article 29. Approving Illegal Claims

Every officer who shall wilfully and knowingly approve, allow, or pay, any demand on the treasury knowing it is not authorized by law, shall be liable to the City individually and on his official bond for the amount of the demand so approved, allowed, or paid, and if an appointive officer, shall forfeit his office and be forever disbarred and disqualified from holding any position in the service of the City.

Article 30. Budget

The City Manager shall submit the annual fiscal year operating budget to the Council on or before the first Council meeting in May. The budget shall contain an estimate of City expenditures and anticipated revenues of the City from all sources including fees, licenses, and excises for the ensuing fiscal year. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

a. A detailed estimate of the expense of conducting each department as submitted by the department.

b. Expenditures for corresponding items for the last two fiscal years.

c. Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between

appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

d. Such other information as is required by the Council or that the Manager may deem advisable to submit.

e. The recommendation of the Manager as to the amounts to be appropriated with reasons therefor in such detail as the Council may direct.

Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the City Clerk for inspection by the public, unless the Council shall publish the same in the official newspaper.

Article 31. Inventory of City Property

A complete inventory of all real and personal property belonging to the City shall be prepared and kept current and shall be open to inspection during normal business hours.

Article 32. The Fiscal Year

The fiscal year of the City shall commence on the first day of July of each year or at such other time as may be fixed by ordinance.

Article 33. Taxation

Except as otherwise herein provided, the Council, by ordinance, shall provide a system for the assessment, levy, collection, and equalization of taxes which, as nearly as may be, shall conform to the system provided by the General Laws of the State. The City shall have the privilege to enact by ordinance a license and privilege tax and excise taxes for the purpose of both regulation and revenue.

Article 34. Annual Tax Levy

The Council must finally adopt, not later than the second regular meeting in August, an ordinance levying upon the assessed valuation of all property in the City, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, less the amounts estimated to be received from fines, licenses and other sources of revenue.

Should the Council fail to fix the tax rate within the time prescribed, then the tax rate for the previous year shall constitute the rate for the current year.

Article 35. Limit and Apportionment of the Tax Levy

The tax levy authorized by the Council to meet the municipal expenses for each fiscal year shall not exceed the rate of One Dollar and Fifty-eight cents on each One Hundred Dollars of the assessed valuation of the real and personal property within the City, except as in this Charter otherwise provided. The moneys collected from such levy shall be placed in the

general fund of the City and may be apportioned in separate funds as determined by the Council.

No transfer of money shall be made from one fund to another, except of balance in excess of the amount required in a fund or from the general fund to meet deficiencies, or to provide for the redemption of City bonds.

The foregoing limitation shall not apply in the event of any great necessity or emergency, in which case it may be temporarily suspended, provided that no increase over said limit, except as herein prescribed, shall be made in any fiscal year, unless authorized by ordinance adopted by the vote of the electors of the City.

Article 36. Special Tax Levy

The Council shall have power to levy and collect additional taxes sufficient to pay interest on the bonded indebtedness of the City and to pay and maintain the sinking fund thereof, and for the following purposes only:

a. For the acquisition and (or) construction, as the case may be, of permanent public improvements, or real property, of public buildings and structures including equipping and furnishing the same, and the tax levied for any and all such purposes combined shall not exceed fifteen cents on each one hundred dollars of the assessed valuation of the real and personal property within the City, and no such acquisition or construction shall be charged against the general tax levied to meet current municipal expenses for each fiscal year.

b. For the acquisition of equipment and supplies and provide training for personnel for a Civil Defense Program. The tax levy for such purpose shall not exceed five cents on each one hundred dollars of the real and personal property within the City.

Article 37. Tax Liens

All taxes and assessments levied, together with any percentage imposed for delinquency and the cost of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by actions to foreclose such liens in any court of competent jurisdiction, or by a sale of the property affected and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance; provided that when real estate is offered for sale for City taxes due thereon, the same shall be sold to the City in like case and manner, and with like effect and right of redemption as it may be struck off and sold to the State when offered for sale for County taxes; and the Council shall have power to provide by ordinance for the procedure to be followed in such sales to the City and redemption thereafter.

Article 38. Deposit of City Moneys

All moneys collected for the City by any officer or department thereof shall be paid daily if possible, into the City treasury, credited to the funds to which such moneys severally belong.

Article 39. Payment of City Moneys

Money shall be drawn from the treasury only upon warrants as herein prescribed. Every demand against the City, from whatever source, must be presented to the City Manager. The City Manager shall satisfy himself whether the money demanded is legally due and its payment authorized by law. If he approves the demand he shall endorse thereon the word "approved" and sign his name thereto. It shall thereafter be presented to the City Council and if by them allowed shall be signed by the Mayor and City Clerk, and a warrant, numbered and dated the same as the demand, issued and signed by the same officers shall be drawn upon the treasury. No demand shall be approved or paid unless it shall specify each item of the claim and the date thereof.

Provided, however, that warrants may be approved by the City Manager and paid from the treasury without the necessity of being presented to the Council for materials and supplies and investments approved by law, if prior permission is so granted by the City Council.

Provided, however, that warrants for wages and salaries shall be approved by the City Manager and paid regularly from the treasury without the necessity of any demand therefor or approval thereof as in this article prescribed for other claims, and at such time, not in conflict with this Charter, as may be prescribed by ordinance.

Article 40. Annual Audit

The Council shall employ a Certified or a thoroughly qualified Public Accountant annually to investigate and render a report on the transactions and accounts of all officers or employees having the collection, deposit, custody or disbursement of public money or property, or the power to approve, allow or audit demands on the treasury.

Article 41. Franchises

Every franchise or privilege to construct, maintain, or operate any means or method of transportation on or over any street, lane, alley, or other public place within the City, or to lay pipes or conduits, or erect poles or wires or other structures in or across any public way or place, for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter owned by the City, shall be granted under and in pursuance to the General Laws of the

State relating to the granting of franchises; provided, no new franchise or the renewal of an existing franchise shall be granted except upon the condition that at least two per cent (2 per cent) of the gross annual receipts derived from the use of such franchise shall be paid the City. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property with others wherever practicable, and nothing herein shall be construed as prohibiting the Council from requiring other conditions in granting the same not inconsistent with the Constitution and General Laws of the State. No franchise or privilege so granted shall be sold, leased, assigned, or otherwise alienated, without the express consent of the Council given by ordinance and subject to the referendum.

Article 42. Contract Work

In the erection, improvement and repair of all public buildings and works, in all street and sewer work, and in furnishing any supplies or materials for the same when the expenditure required for the same shall exceed the sum of Fifteen Hundred Dollars ($1,500.00), the same shall be done by contract and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper, and security for the due execution and performance of any such contract may be required by the bidder and successful contractor, respectively. The detailed procedure for carrying out the provisions of this Article shall be prescribed by ordinance.

Provided, that the Council may reject any and all bids presented and may readvertise in their discretion, and provided further, that after rejecting bids the Council may declare and determine by a five-sevenths vote of all its members that in its opinion the work in question may be more economically or satisfactorily performed by day labor, or the materials or supplies purchased at a lower price in the open market, and after the adoption of the resolution to this effect, it may proceed to have the same done in the manner stated without further observance of the foregoing provisions of this Article; and

Provided further, that in case of a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, the Council may, by resolution pass by a vote of five-sevenths 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 they may proceed to expend, or enter into a contract involving the expenditure of any sum required in such emergency, on hand in the City treasury and available for such purpose.

Article 43. Street Improvements

Proceedings for all public improvements which are to be paid for by assessments on private property, shall be according to the General Laws of the State, provided, however, that prior to the institution of such proceedings, the Council shall take the proceedings provided in Section 17, Article 13 of the California Constitution or the determination of public interest and necessity or otherwise comply with the provisions of the Special Assessment, Investigation, Limitation and Majority Protest Act of 1931 as now or hereafter amended.

Article 44. Illegal Contracts

No member of the City Council, department head or other officer of the City (except a member of any Board) shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party.

No member of any Board shall be financially interested directly or indirectly, in any contract, sale or transaction to which the City is a party and which comes before the Board of which such person is a member or which pertains to the department, office or agency of the City with which such Board is connected.

Any contract, sale or transaction in which there shall be such an interest, as specified in this Section, shall become void at the election of the City when so declared by resolution of the City Council.

No member of the City Council, department head or other officer of the City, or member of any Board shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation where his only interest in the corporation is that of a stockholder and the stock owned by him shall amount to less than three percent (3%) of all the stock of such corporation issued and outstanding, or when his interest is only:

a. That of a nonsalaried officer of a nonprofit corporation;

b. That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initial acceping his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party

is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

c. That of a parent in the earnings of his minor child for personal services;

d. That of a landlord or tenant of the contracting party;

e. That of an attorney of the contracting party; or

f. That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products.

g. That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price or rate than that proposed by any other bidder, or favor one bidder over another, giving or withholding information, or wilfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract, or knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material, or supplies than has actually been received. Any officer or employee violating any of the foregoing provisions of this Article shall be guilty of a misdemeanor and be automatically expelled from his office or employment.

If at any time it shall be found that the person, firm or corporation to whom a contract has been awarded by the City has, in presenting any bid or bids, colluded with any officer or employee of the City, or with any other party or parties interested in the same bid or bids, then the contract so awarded shall, if the City so elect, be null and void and the contractor and his bondsmen shall be liable to the City for all loss or damage which the City may suffer thereby. In such event the Council may advertise for new bids for said work or supplies.

Article 45. Official Records

All books and records of every office and department shall be open to inspection by any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office, provided, the records of the police department shall not be subjected to such inspection except by permission of the proper police authorities. Information provided by taxpayers on which tax assessments are based shall be confidential.

Copies or extracts, duly certified, from said books and records open to inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering an established charge.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Article 46. Newspaper Advertising

The Council shall advertise annually for the submission of sealed proposals or bids from all newspapers of general circulation in the City, for the publication of all ordinances and other legal notices required to be published. The newspaper to which such contract is awarded shall be known and designated as the Official Newspaper. The rates for publishing public notices shall not exceed the customary rates charged for publishing legal notices of a private character.

Contracts for advertising shall be awarded to the lowest responsible bidder of adequate circulation within the City.

No employee of the newspaper having the advertising contract shall be an employee of the City during the term of this contract.

We do further certify and declare that the foregoing constitutes a true and correct statement of the actions and proceedings had by the City of Pacific Grove and the City Council of said City, in the matter of the framing, proposal and submission of said proposed Charter for the government of the City of Pacific Grove and in the calling, voting upon, and canvassing the returns and declaring the results of said election.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Pacific Grove, California, this 9th day of May, 1969.

EARL D. GRAFTON
Earl D. Grafton
(SEAL) Mayor of the City of
Pacific Grove, California
WILLIAM S. PITT
William S. Pitt
City Clerk of the City of
Pacific Grove, California

and

WHEREAS, The proposed revised charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the revised Charter of the City of Pacific Grove, County of Monterey, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as a revision of the Charter of the City of Pacific Grove, County of Monterey.

RESOLUTION CHAPTER 171

Senate Joint Resolution No. 10—Relative to homeowners' property tax rebate.

[Filed with Secretary of State May 21, 1969.]

WHEREAS, The increasing burden of property taxes on homeowners is of nationwide concern; and

WHEREAS, The California Legislature has provided for a $70 rebate in 1969 of property taxes paid by homeowners for the 1968–1969 fiscal year; and

WHEREAS, Under federal income tax law, this tax relief may be reduced by the inclusion of the rebate as income for federal income tax purposes; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to exclude the $70 homeowners' property tax rebate from income for federal income tax purposes; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 172

Senate Joint Resolution No. 13—Relative to flood control in the Carpinteria Valley watershed.

[Filed with Secretary of State May 21, 1969.]

WHEREAS, There exists in the Carpinteria Valley a severe flooding problem which affects hundreds of homes, local schools, valuable agricultural lands, highway and railroad transportation, and the health and safety of the citizens residing in the area; and

WHEREAS, Three separate floods devastated the Carpinteria Valley in January 1969; and

WHEREAS, A federally financed flood control project under the provisions of Public Law 566 is proposed for the Carpinteria Valley watershed, which would eliminate the flooding problem; and

WHEREAS, Such flood control project has been found to be economically feasible, and the watershed work plan, which constitutes the feasibility report for such project, has been submitted to the federal Administrator of the Soil Conservation Service for review and transmittal to the Congress; and

WHEREAS, The urgent necessity for flood protection requires quick action by the Congress and the Administrator of the Soil Conservation Service in approving the work plan, authorizing the project, and appropriating funds for the beginning of engineering and construction; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests federal agencies to expedite their review of the Carpinteria Valley Watershed Project Work Plan and to forward their comments to the Administrator of the Soil Conservation Service without delay; and be it further

Resolved, That the Administrator of the Soil Conservation Service is requested to approve the work plan and to include the Carpinteria Valley Watershed Project in the group of PL 566 projects to be submitted to the Congress in the near future; and be it further

Resolved, That the Soil Conservation Service and the local sponsoring agencies are requested to cooperate with the Department of Fish and Game in protecting and improving wildlife conditions in the project area, and especially in devising ways to enhance the management of El Estero Marsh for such purposes; and be it further

Resolved, That the Legislature memorializes the Congress to approve, authorize, and appropriate funds for the beginning of work on the Carpinteria Valley Watershed Project; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Soil Conservation Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 173

Senate Concurrent Resolution No. 34—Relative to the naming of a state highway bridge in the memory of Officer Eugene A. Doran.

[Filed with Secretary of State May 22, 1969.]

WHEREAS, Eugene A. Doran was a patrolman for the town of Hillsborough, San Mateo County, from April 1, 1956, until his untimely death on August 5, 1959; and

WHEREAS, During the performance of his duties, on the morning of August 5, 1959, Officer Doran was slain at the hands of a criminal suspect whom he had apprehended; and

WHEREAS, The tragic death of Officer Doran occurred on the Junípero Serra Freeway near the Bridge over Crystal Springs Road; and

WHEREAS, It is fitting that the supreme sacrifice of Officer Eugene A. Doran to the people of this state be given permanent recognition; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the new bridge of the Junípero Serra Freeway (Route 280) over Crystal Springs Road near Hillsborough, is hereby officially designated the Eugene A. Doran Memorial Bridge; and be it further

Resolved, That the Department of Public Works be directed to erect appropriate signs and markers, consistent with signing requirements for Interstate Highways, showing this official dedication; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 174

Assembly Concurrent Resolution No. 118—Relative to the observance of American Physical Therapy Week.

[Filed with Secretary of State May 22, 1969.]

WHEREAS, It has come to the attention of the Members of the Senate and Assembly that the American Physical Therapy Association will observe its 48th anniversary and will hold its 46th annual conference in San Francisco from June 29 through July 4, 1969; and

WHEREAS, Approximately 2,000 of the 13,000 qualified physical therapists that the American Physical Therapy Association represents will attend the conference; and

WHEREAS, The scientific and business sessions of this conference will contribute significantly to the health care of the people of this state and the United States; and

WHEREAS, In view of the excellent work that the physical therapists perform in the interest of all mankind, it is fitting and proper that their contributions be officially recognized; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is respectfully requested to proclaim June 29 through July 5, 1969, as "American Physical Therapy Week"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Honorable Ronald Reagan, Governor of the State of California, and a suitably prepared copy to the American Physical Therapy Association.

RESOLUTION CHAPTER 175

Assembly Concurrent Resolution No. 141—Relative to California Nursing Home Week.

[Filed with Secretary of State May 22, 1969.]

WHEREAS, Nursing homes in California have embarked on a "better life program" that will benefit the elderly and the convalescent and chronically ill of all ages entrusted to their care; and

WHEREAS, There are in this state more than 1,300 licensed nursing homes and related long-term-care facilities with a bed capacity in excess of 60.000; and

WHEREAS, These facilities provide not only for the medical and skilled nursing care needs of their patients, but also for a broad range of services extending from personal care to physical, occupational, and recreational therapy, as well as for the spiritual and social needs, all of which are designed to bring about a better life for their patients; and

WHEREAS, The California Nursing Home Association is providing the leadership in promoting a better life for our elderly citizens and for the convalescent and chronically ill of all ages; and

WHEREAS, The member homes of the California Nursing Home Association are participating in the observance of Nursing Home Week, June 15-21, 1969; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim the week of June 15 to 21, 1969, as California Nursing Home Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 176

Assembly Concurrent Resolution No. 154—Relative to California Bee Industry Week.

[Filed with Secretary of State May 22, 1969.]

WHEREAS, While the production of honey by California's bee industry is its best-known activity, this is only one of the important functions the industry serves; and

WHEREAS, The beekeeping industry, in number of operators, probably ranks as the smallest in the state's multi-billion-dollar agricultural community; and

WHEREAS, In spite of the small number of operators, beekeepers play a significant role in keeping California the leading agricultural area in the nation and world; and

WHEREAS, California crops valued at more than $300 million annually rely entirely on bees for pollination, and these vital crops include almonds, prunes, cherries, apples, pears, cantaloupes, melons, cucumbers, alfalfa and clover; and

WHEREAS, Bees are also used in California to produce 75 percent of the nation's vegetable seed and 90 percent of the world's flower seed; and

WHEREAS, The acreage of crops depending on bees for pollination is increasing and growers are using more colonies per acre to obtain a more abundant harvest; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request Governor Reagan to proclaim the week of June 1 through June 7 as California Bee Industry Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 177

Assembly Concurrent Resolution No. 157—Relative to the Golden Chain Council of the Mother Lode, Inc.

[Filed with Secretary of State May 22, 1969.]

WHEREAS, The Golden Chain Council of the Mother Lode, Inc., organized in 1919, will celebrate its 50th anniversary year at its annual meeting July 25, 1969, in Placerville; and

WHEREAS, It is the oldest highway association in California, originally known as the Mother Lode State Highway Association, and was initially established to promote the improvement of the route through the historic gold mining country connecting Auburn, Placerville, Jackson, San Andreas and Sonora, and the inclusion of this route in the state highway system; and

WHEREAS, Assembly Bill No. 259 was passed on June 3, 1921, creating the "Mother Lode Highway," State Highway 49, to connect these five county seats, and an appropriation was made for a survey, but no appropriation was made for construction funds, so the association went to the public and to principal mining companies for private funds to fix portions of the road until public funding was available; and

WHEREAS, A new movement was begun in 1949, culminating on January 18, 1951, in the adoption by the Mother Lode State Highway Association of an expanded program under the

new name of the Golden Chain Council of the Mother Lode Highway 49; and

WHEREAS, The first of the famous Golden Chain maps was published on May 5, 1950, and this year the group will produce its two-millionth map promoting the highway as a "perpetual monument to the memory of the pioneer fathers"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the Golden Chain Council of the Mother Lode, Inc., for its promotion of the historic area served by the Mother Lode Highway 49, its efforts to encourage and stimulate travel throughout the area, and its work with local, state and federal governments for the improvement and preservation of State Highway 49; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Golden Chain Council of the Mother Lode, Inc.

RESOLUTION CHAPTER 178

Assembly Concurrent Resolution No. 161—Relative to proclaiming the week of August 31 through September 6, 1969, as Capitola National Begonia Festival Week.

[Filed with Secretary of State May 22, 1969.]

WHEREAS, The Capitola National Begonia Festival, a must for flower lovers everywhere, will be held the week of August 31 through September 6, 1969; and

WHEREAS, Volunteer community help each year has aided in the growth of this event to an occasion of national prominence and splendor; and

WHEREAS, The begonia festival's inception was in 1953 when Mrs. Pat Antonelli and Mrs. John Benias visualized the beauty of a festival featuring the delicate magnificence of the begonia; and

WHEREAS, Further support in 1954 by Capitola businessmen enhanced the festival and emphasized the marvelous "all-year" weather of Capitola and its possession of the unique conditions needed to produce glorious begonias; and

WHEREAS, Over the years the festival has expanded to feature the selection of the Capitola National Begonia Festival Queen, thus adding to the beauty and pageantry of the festival; and

WHEREAS, The theme of the 1969 Capitola National Begonia Festival Week is "Yesterday, Today, and Tomorrow"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members respectfully

request the Governor of the State of California to proclaim August 31 through September 6, 1969, as Capitola National Begonia Festival Week and urge all Californians to attend this noteworthy event; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor, and a suitably prepared copy of this resolution to the National Begonia Festival Association in Capitola-by-the-Sea.

RESOLUTION CHAPTER 179

Senate Joint Resolution No. 9—Relative to state inspection and regulation of offshore oil and gas development operations.

[Filed with Secretary of State May 23, 1969.]

WHEREAS, The coastline of California is of unique scenic beauty and is one of the state's greatest natural resources; and

WHEREAS, The coastal fish and wildlife resources of California furnish a significant contribution to the state's economy; and

WHEREAS, The California coast is under continuous hazard from oil and gas development operations which may result in oil escapement on federally controlled outer continental shelf lands; and

WHEREAS, The State of California and cities and counties within the state have an exigent interest in offshore oil and gas development operations conducted under federal leases and survey permits but have no voice in the granting of such leases and permits by the federal government; and

WHEREAS, The State of California, acting through its Governor and its legislative representatives, has requested that the authority for inspection and control of offshore oil and gas development in federally controlled areas beyond the three mile limit be vested in the state; and

WHEREAS, The Government of the State of California has demonstrated a high degree of reliability in its inspection of, and regulations over, oil and gas developments on all onshore and offshore lands within state boundaries; and

WHEREAS, The transfer of the inspection function from federal to state control would provide uniformity of protection through uniform inspection and regulation practices; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide for the holding of a public hearing within the affected local area of California, upon adequate notice thereof, on the matter of any future oil and gas development operation which would be conducted off the Cali-

fornia coast whenever the granting of a federal lease or survey permit for any such operation is under consideration, such hearing to be held prior to the granting of any such lease or permit; and be it further

Resolved, That the Legislature of the State of California respectively memorializes the President and the Congress of the United States to provide for the immediate transfer of inspection and regulation of oil and gas developments off the California coast outside the three-mile limit to the State of California; and be it further

Resolved, That the enactment of legislation providing for such transfer also provide the necessary funding to carry on the inspection program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 180

Assembly Concurrent Resolution No. 22—Relative to the Crippled Children Services Program.

[Filed with Secretary of State May 27, 1969.]

WHEREAS, The Crippled Children Services Program, administered by the State of California, Department of Public Health, has provided needed diagnostic, therapeutic, and rehabilitative services of a high quality to children afflicted with severe physical handicaps since 1927; and

WHEREAS, Advances in medical science and technology, evidenced by the successful development of open heart and organ transplant surgery, make possible the provision of medical care to children afflicted with conditions previously deemed untreatable; and

WHEREAS, The list of eligible Crippled Children Services medical conditions has the effect of excluding from treatment children suffering from medically significant handicaps that are not considered a part of the Crippled Children's Program; and

WHEREAS, The cost of securing appropriate medical care for certain handicapping conditions not included within Crippled Children Services is catastrophic for low and middle income families who are ineligible for publicly assisted medical programs and whose health insurance protection frequently is inadequate for these kinds of illnesses; and

WHEREAS, The Legislature enacted Assembly Bill 2024 (Chapter 1316, Statutes of 1968) which for the first time in the history of the Crippled Children Services Program granted

statutory authority to the Director of Public Health to establish by administrative regulation eligible medical conditions for the Crippled Children Services Program; and

WHEREAS, There exists in the Department of Public Health a State Crippled Children Services Advisory Committee consisting of individuals whose expertise, advice, and dedication have contributed significantly to the growth and improvement of the Crippled Children Services Program; and

WHEREAS, There are knowledgeable medical authorities in the State of California who, though not members of the State Crippled Children Services Advisory Committee, have nonetheless contributed significantly to the development of the Crippled Children Services Program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests the Department of Public Health with the assistance of the State Crippled Children Services Advisory Committee and other medical authorities to identify those medical conditions now excluded but deemed to be of sufficient priority as to warrant inclusion within the program and to report these findings to the Secretary of Human Relations and to both houses of the Legislature by the fifth legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of Human Relations, the Director of Public Health and to members of the State Crippled Children Services Advisory Committee.

RESOLUTION CHAPTER 181

Assembly Concurrent Resolution No. 169—
Relative to Optimist Month.

[Filed with Secretary of State May 27, 1969.]

WHEREAS, Optimist International is a community service organization which was formed in 1919 and is celebrating its 50th anniversary this year; and

WHEREAS, Optimist International has more than 400 clubs and 14,000 members in California; and

WHEREAS, The primary purpose of Optimist International is to aid and encourage the development of youth and the slogan adopted by the organization is "Friend of the Boy"; and

WHEREAS, Optimist International, through its clubs, sponsors a boys' oratorical contest, Youth Appreciation Week, Bike Safety Week, and a Respect for Law program; and

WHEREAS, The individual Optimist clubs sponsor numerous and varying boys' work and community service projects; and

WHEREAS, The purposes of Optimist International are to develop optimism as a philosophy of life, to promote an active interest in good government and civic affairs, to inspire respect for law and to foster patriotism, and to work for friendship among all people; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members request Governor Reagan to proclaim the month of June 1969 as Optimist Month in commemoration of Optimist International's 50th anniversary; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 182

Senate Concurrent Resolution No. 117—Relative to the 50th anniversary of the Italian Federation of California, Inc.

[Filed with Secretary of State May 27, 1969.]

WHEREAS, The Members of the Legislature have learned that the Italian-American Federation of California, Inc., is celebrating its 50th anniversary; and

WHEREAS, Since its organization on January 30, 1919, at the Casa Coloniale Fugazi in San Francisco, the federation has sought to develop collective moral and political strength for the common interest and for good citizenship; and

WHEREAS, Through the years, the federation has retained its original organization involving 36 different societies, the members of which are of Italian extraction; and

WHEREAS, The federation fosters interest in the study of the mellifluous Italian language by sponsoring the Doposcuola, an after-school Italian language school for grade school pupils, and a committee of the federation maintains close liaison with the Italian departments of local secondary schools and institutions of higher education; and

WHEREAS, In years past, the federation founded the Italian Hospital and Benevolent Association, which helped to build and administer the Dante Hospital, which was subsequently acquired by the United States government; and

WHEREAS, Since 1923, the federation has conducted a Christmas party for the Italo-American residents of the Laguna Honda Hospital; and

WHEREAS, The Italian Federation of California, Inc., has participated in many worthwhile community ventures, such as the Columbus Day celebration, the program for the beautification of Washington Park, the program for improved library facilities, and the encouragement and support of many cultural and educational organizations; and

WHEREAS, Recognizing that a democracy is only as effective as the intelligent participation of its citizens in their self-

government, the federation sponsors a "Candidates' Night" before all elections so that the members may be introduced to the candidates and their policies; and

WHEREAS, The Italian Federation of California, Inc., is conscious of the enviable position which it has attained in civic life, and is dedicated to continue its great traditions; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend the Italian Federation of California, Inc., upon the occasion of its 50th anniversary and attend to it their every wish for continued success in all its endeavors; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mr. Stephen Mana, President of the Italian Federation of California, Inc.

RESOLUTION CHAPTER 183

Senate Concurrent Resolution No. 118—Relative to the 50th anniversary of the Steuben Society of America.

[Filed with Secretary of State May 27, 1969.]

WHEREAS, The Steuben Society of America, an organization of Americans of German descent, this year celebrates the 50th anniversary of its founding; and

WHEREAS, Inspired by the deeds of Frederick William von Steuben, a Prussian Army general, whose services to General George Washington and the fledgling Continental Army were instrumental in this country's independence, the society, at the suggestion of a United States Senator from California, chose von Steuben as their patron and adopted his name for their organization; and

WHEREAS, Dedicated to preserving the principles of our Constitution and the American ideal of government "of, by and for the people," the Steuben Society endeavors to establish cooperation among its members in the exercise of their civic duties and to encourage among them an active participation in every phase of our national life; and

WHEREAS, Proud of their Germanic heritage, the society and its members strive to promote good will and friendly relations with the Germanic peoples of Europe and to encourage the teaching of German language courses in American schools; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members congratulate the American Steuben Society on this, its 50th year of meritorious service to Americans of German descent; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the following named officers of the California State Council of the Steuben Society of America: Mr. Adolph Schaumloeffel, Chairman; Mr. Herbert

P. Tschoepe, Vice Chairman; Mr. Louis T. Kruger, Secretary; and Mr. Robert G. Webb, Treasurer.

RESOLUTION CHAPTER 184

Senate Joint Resolution No. 17—Relative to the Santa Paula Creek Flood Control Project.

[Filed with Secretary of State May 27, 1969.]

WHEREAS, In January and February of this year areas of Santa Paula Creek in Santa Paula, California, were devastated by disastrous flooding; and

WHEREAS, Extensive damage to property, both public and private, has been caused by the severe flooding which has occurred this year; and

WHEREAS, These events clearly manifest the critical need for protective flood control works in Santa Paula Creek; and

WHEREAS, The amounts allocated for this purpose in the proposed federal budget for the next fiscal year are grossly inadequate; and

WHEREAS, The Santa Paula Creek Flood Control Project is acknowledged as the most critical project in Ventura County; and

WHEREAS, The widespread demand for federal flood control projects points to the need for establishing a priority program in which the necessary funds are appropriated to immediately undertake the most critical projects; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress to appropriate the necessary funds to immediately undertake the construction of the Santa Paula Creek Flood Control Project; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 185

Senate Concurrent Resolution No. 113—Relative to the observance of Memorial Day.

[Filed with Secretary of State May 29, 1969.]

WHEREAS, Memorial Day will fall on Friday, May 30, 1969, a national and state holiday; and

WHEREAS, One of the purposes of Memorial Day is to recall to all Americans, and especially to the youth of our great nation, the sacrifices made since the formation of our country

by the gallant men and women who have served in the armed forces during the times of our national conflicts, many of whom made the supreme offering of their lives in the defense of our land and of our liberties; and

WHEREAS, The observance of Memorial Day officially began during the years immediately following the end of the American Civil War; and

WHEREAS, Now, Memorial Day is dedicated to the eternal memory of all the deceased veterans of our national wars and periods of armed hostilities; and

WHEREAS, In the City of Sacramento, a public program of observance of Memorial Day is planned for Friday, May 30, 1969, including a parade at 10 a.m. in downtown Sacramento, followed by ceremonies at 11 a.m. in Memorial Grove in State Capitol Park, featuring an address stressing the significance of Memorial Day; and further commemorative services will be held during the course of the day, including ritualistic river ceremonies at 8:30 a.m. at the I Street Bridge, and in the Sacramento Veterans Memorial Cemetery on Fruitridge Road at 2 p.m.; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge all people who dwell in California to take special cognizance of Memorial Day, May 30, 1969, and to be ever mindful of the magnificent role performed in our national history by the veterans, now deceased, who have comprised our armed forces, and that the members invite all people who dwell in the vicinity of Sacramento to participate actively in the observance of Memorial Day 1969 by sharing in the planned public program of exercises in the Sacramento Memorial Day program sponsored by the Veterans Affiliated Council and under the general chairmanship of its commander, Edward L. Jones, assisted by Parade Chairman James C. Moody; and, be it further

Resolved, That the members express their fullest thanks and appreciation to the numerous organizations which constitute the Veterans Affiliated Council in Sacramento and to the many other societies and individuals who have made possible the Memorial Day program set for May 30, 1969; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Edward L. Jones, General Chairman, Memorial Day Program, Veterans Affiliated Council in Sacramento; and to James C. Moody, Parade Chairman.

RESOLUTION CHAPTER 186

Senate Joint Resolution No. 3—Relative to a water reclamation facility in the Sepulveda Dam Basin.

[Filed with Secretary of State May 29, 1969]

WHEREAS, The U.S. Corps of Engineers has received plans of the City of Los Angeles for a water reclamation facility in the Sepulveda Dam Basin of the San Fernando Valley; and

WHEREAS, The City of Los Angeles seeks only 86 acres of undeveloped land for a 38-million-dollar water reclamation-sewage treatment plant that would reclaim 200 million gallons of water daily for purposes of irrigation, lakes, and replenishment of the downstream spreading grounds; and

WHEREAS, Such a water reclamation plant would solve the serious crisis which is developing with respect to the disposal of sewage in the San Fernando Valley, as well as make available free water to make green large areas of the Sepulveda Basin and of Griffith Park; and

WHEREAS, In an arid region where generally there is little rain and where water necessary for the future growth and development of the region must be imported, water reclamation should be encouraged to the fullest extent practicable; and

WHEREAS, The construction of a water reclamation facility in the Sepulveda Basin would not detract from the recreational value of that land in the basin which has been leased to the city for recreational use, but would be a source of new recreational benefits for the entire area; and

WHEREAS, The vital public interest in the construction of this project warrants a prompt and thorough review by the U.S. Corps of Engineers with full consideration being given to recreation, water reclamation, sewage capacity, and the future growth of the City of Los Angeles; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the U.S. Army Corps of Engineers to accept the application of the City of Los Angeles for permission to construct a water reclamation facility in the Sepulveda Dam Basin of the San Fernando Valley in the interest of the enhancement of the recreational resources of the area, the provision of vitally needed water reclamation and sewage capacity, and the insurance that the requirements for the future growth and development of the City of Los Angeles will be met; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Secretary of the Army, to the Chief Engineer of the U.S. Army Corps of Engineers, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 187

Assembly Concurrent Resolution No. 184—Relative to memorializing Sheriff Eugene W. Biscailuz.

[Filed with Secretary of State June 3, 1969.]

WHEREAS, The Members of the Legislature of the State of California are most sincerely and profoundly saddened by the death of Eugene W. Biscailuz, for 26 years Sheriff of Los Angeles County and a peace officer for more than half a century; and

WHEREAS, Sheriff Biscailuz was born in Los Angeles on March 12, 1883, attended Los Angeles schools, graduating from Saint Vincent's College, now Loyola University, and studied law at the University of Southern California; and

WHEREAS, Mr. Biscailuz began his association with the Los Angeles County Sheriff's Department in 1907, and rose through the ranks to become undersheriff in 1921, and sheriff in 1932, a position he held with the overwhelming support of the voters of Los Angeles County until his retirement in 1959; and

WHEREAS, Sheriff Biscailuz was also the first superintendent of the California Highway Patrol, which he helped to develop, beginning in 1929, into an efficient statewide law enforcement that is a model among state police organizations; and

WHEREAS, He was a pioneer in the development of honor farms and honor ranches where trustworthy prisoners are given outdoor work and a chance for rehabilitation; and

WHEREAS, Active in civic affairs in the Los Angeles area, he belonged to many fraternal, social, and benevolent organizations, and became, on his retirement as sheriff, president of El Pueblo de Los Angeles Historical Monument Commission; and

WHEREAS, Sheriff Biscailuz was a true son of California and Los Angeles, a descendant of pioneer families, and a link with the old Pueblo de Los Angeles and the huge metropolis of today; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their deep regret on the passing of Sheriff Eugene W. Biscailuz and extend their sincere condolences to his family and many friends; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Mr. Warren Biscailuz, Mrs. Jean Mohr, and Mrs. Carol Donovan, the children of Sheriff Biscailuz.

RESOLUTION CHAPTER 188

Assembly Concurrent Resolution No. 191—Approving a certain amendment to the Charter of the City of Pasadena, State of California, ratified by the qualified electors of said city at a special municipal election held therein on April 24, 1969.

[Filed with Secretary of State June 4, 1969.]

WHEREAS, The City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, contains a population of over 50,000 inhabitants, and has been, ever since the year 1901, and now is, organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8, Article XI, of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on November 20, 1900, and approved by the Legislature of the State of California, on January 29, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by resolutions of said Legislature as set out in the certificate of the Chairman of the Board of Directors and City Clerk of said City of Pasadena, hereinafter set forth; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of one amendment to the Charter of said City of Pasadena, as set out in the certificate of the Vice Chairman of the Board of Directors and Deputy City Clerk of said City of Pasadena, as follows to wit:

CERTIFICATE OF RATIFICATION BY ELECTIONS OF THE CITY OF PASADENA OF ONE CHARTER AMENDMENT

State of California
County of Los Angeles } ss
City of Pasadena

We, the undersigned, Walter L. Benedict, Vice-Chairman of the Board of Directors of the City of Pasadena, State of California, and Dorothy E. Martin, Deputy City Clerk of said city, do hereby certify and declare as follows:

That the City of Pasadena, a municipal corporation in the County of Los Angeles, State of California, now is and at all times herein mentioned was a city containing a population of more than 3,500 inhabitants, and now has a population of over 50,000 inhabitants, and ever since the year 1901 has been and now is organized, existing and acting under and by virtue of a freeholders' charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on November 20, 1900, and approved by the

Legislature of the State of California, on January 29, 1901 (Statutes of 1901, page 884), and amendments thereto duly ratified by the qualified voters of said city and approved by the legislature.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Board of Directors of the City of Pasadena, being the legislative body thereof, on its own motion, by Ordinance No. 4912 adopted by said board on February 25, 1969, duly and regularly proposed that there be submitted to the qualified electors of the City of Pasadena one proposal for the amendment of the Charter of said city, designated as "Charter Proposition A", to be voted upon by said qualified electors at a special election called and held for that purpose in said city on April 24, 1969. That said election was duly and regularly called, authorized and provided for by said Board of Directors by Ordinance No. 4914, adopted on March 4, 1969, which said ordinance called said special election, for the submission of said amendment, to be held in said city on April 24, 1969, and that by said ordinance the said special election was by said Board of Directors duly and regularly consolidated with the general municipal election to be held on said date. That said election was duly and regularly called and held on said April 24, 1969, which day was not less than forty, and not more than sixty days after the completion of publication and advertising of the proposed amendment aforesaid in the official newspaper.

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, and in accordance with the provisions of the Charter of the City of Pasadena in the Star-News, a daily newspaper of general circulation, published in said City of Pasadena, and the official newspaper of said city, and in each edition thereof during the day of publication.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the day fixed for the said election, and as required by Section 8 of Article XI of the Constitution and by the Charter of the City of Pasadena, a notice was advertised and published in the Star-News, the same being a newspaper of general circulation in said city, that copies thereof might be had upon application therefor at the office of the City Clerk of the City of Pasadena.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the day fixed for said election. That a copy thereof was mailed to each of the qualified electors of said city as required by law.

That in accordance with the provisions of Section 8 of Article XI of the Constitution and of the Charter of said City of Pasadena and said ordinances of the legislative body thereof, said special election was held in the said City of Pasadena on

April 24, 1969, and that pursuant to the provisions of Section 8 of Article XI of the Constitution and of said Charter and said ordinances the said proposed Charter amendment was submitted to the qualified electors of said city for their ratification at said election, and that at said election a majority of the qualified electors voting thereon voted in favor of the ratification of and did ratify the said proposed amendment to the Charter of said city hereinafter set forth.

That, in accordance with the provisions of the Charter of the City of Pasadena and with the law in such cases made and provided, the Board of Directors of the City of Pasadena met on April 28, 1969, at the time fixed by the Charter and after a continuance to May 2, 1969, did duly and regularly canvass the returns of said election, and on May 2, 1969, the said Board of Directors did duly find, determine and declare the result of said special election as determined from the canvass of the returns thereof aforesaid to be that a majority of the qualified electors of said city voting on said proposed amendment had voted for, ratified and adopted said amendment.

That the said amendment to the Charter so ratified by the electors of the City of Pasadena is in words and figures as follows:

"CHARTER PROPOSITION A"

That Article XV of the Charter of the City of Pasadena be amended to read:

"Article XV The Fire and Police Retirement System

Section 1501. Retirement System.

In order to continue in force, with such modifications as are set forth in this Article, provisions already existing for retirement and death benefits for members of the Fire and Police Departments of the City, the Pasadena Fire and Police Retirement System, hereinafter referred to as the Retirement System or the System, is hereby established. The legislative body of the city may exclude from membership in the Retirement System persons employed on a temporary or part-time basis, but for the purpose of the Retirement System, persons serving a probationary period requisite to appointment to a regular position shall not be considered as on a temporary basis. The legislative body by a vote of not less than five (5) of its members, is hereby empowered to enact any and all ordinances necessary to carry into effect the provisions of this Article provided that the said legislative body, through the Retirement Board, shall secure an actuarial report of the cost and effect of any proposed change in the benefits under the Retirement System, before the adoption of an ordinance to submit any proposed Charter amendment providing for such change.

Section 1502. Retirement Board.

The Retirement System shall be managed by a Retirement Board hereby created, which shall be the successor to and have the powers and duties of the Fire and Police Pension Board of the City of Pasadena, heretofore created and effective and now by this Article superseded by the Retirement Board. The Retirement Board shall consist of one member of the legislative body of the city to be selected by and to serve at the pleasure of the said legislative body, two qualified electors of the City of Pasadena not connected with the government thereof, to be appointed by the legislative body, and two members elected under the supervision of the Retirement Board from the active members of the Retirement System, who shall not include persons retired under the Retirement System or under any other Municipal, County or State retirement or pension plan, provided that immediately after the effective date hereof, the chairman of the said legislative body shall appoint two members from such active members of the Retirement System to serve until the election of such two members, which shall not be more than six months after the effective date hereof, hereby defined as the first day of the July next following ratification of this amendment by the Legislature. One of such two members shall be a member of the Fire Department and one a member of the Police Department, and the election of each of such two members shall be confined to the group from which the member must be chosen. The term of office of the four members, other than the member appointed from the legislative body of the City, shall be four years, one term expiring each year, provided that immediately after the election of the two members from the Fire and Police Departments, they shall draw lots for terms of one, two, three and four years, respectively. The members of the Retirement Board shall serve without compensation. The Retirement Board shall appoint a secretary to hold office at its pleasure, and when necessary employ a consulting actuary.

The Retirement Board shall have the sole power and authority under such general ordinances as may be adopted by the legislative body to hear and determine all facts pertaining to applications for and awards of any benefits under the Retirement System, or any matters pertaining to the administration thereof. Said Retirement Board shall have exclusive control of the administration and investment of such fund or funds as may be established and all investments shall be subject to the same terms, limitations and restrictions as are imposed by the Constitution and laws of the State upon the investment of the Public Employees' Retirement System Funds, as now enacted or hereafter amended.

Disbursement of retirement funds shall be made upon demands duly audited in the manner prescribed in this Charter for disbursement of public funds. The City Treasurer shall be the custodian of any such retirement funds, subject to the

control of the Retirement Board as to the administration and investment of said funds.

Section 1503. Actuarial Tables, Rates and Valuations.

The mortality, service and other tables and rates of contributions for members as recommended from time to time by the actuary and the valuations determined by him from time to time and approved by the Retirement Board shall be final and conclusive and the contributions of the City and members to the Retirement System shall be based thereon.

Section 1504. Definitions.

(a) "Compensation", as distinguished from benefits under the Workmen's Compensation laws of the State of California, shall mean the remuneration prescribed by the city in cash, without deduction except for absence from duty, for time during which the individual receiving such remuneration is in the employ of the city in either or both the Fire and Police Departments. Compensation based on overtime put in by a member shall be excluded from all computations in which compensation is a factor.

(b) "Service" shall mean time during which an individual is employed in either or both the Fire and Police Departments of the city for compensation. Absence from duty without compensation due to any cause other than disability retirement as hereinafter provided, shall not be deemed service for the city. The legislative body, however, may fix the number of months per year to be required for a year of service and proportionate parts thereof, but not more than one year shall be credited for all service in any year.

(c) "Compensation earnable" shall mean the compensation as determined by the Retirement Board, which would have been earned had the member received compensation without interruption throughout the period under consideration and at the rates attached to the ranks or position held by a member during such period. The computation for any absence of a member shall be based on the compensation earnable in the rank or position held by the member at the beginning of the absence and that, for the time prior to becoming a member of the Fire or Police Department, shall be based on the compensation earnable by the member in the rank or position first held by the member in such Department.

(d) "Retirement allowance", "death allowance", or "allowance" shall mean equal monthly payments for life unless a different term of payment is provided by the context, provided that any person to whom or on whose account benefits are payable, may elect to have the actuarial equivalent of that portion of such benefits which is not continued automatically to his surviving wife or children, paid in different form, all subject to such restrictions, regulations and conditions as may be prescribed by the legislative body, but the action of the legislative body shall not prevent such benefits when elected by a member, from taking the form of cash refund annuities,

as applied to the member's accumulated contributions only, or reversionary annuities, these terms to have the meaning commonly accepted in standard life insurance practice.

(e) "Annuity" shall mean equal monthly payments for life, unless a different term of payment is provided by the context, derived from contributions made by the member.

(f) "Final compensation" shall mean the highest average monthly compensation earnable by a member during any period of three consecutive years. In the calculation of "final compensation", periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks. If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time shall be included in the computation of final compensation. If a break in service exceeded six months in duration, only the first six months thereof and the compensation earnable during those six months shall be included in the computation of final compensation. For the purposes of this paragraph, absence from duty without compensation, because of disability retirement, is not a break in service.

(g) "Employee" shall mean "officer or employee".

(h) "Member" shall mean a member of the Retirement System unless clearly indicated otherwise.

(i) "Interest" shall mean interest at the rate adopted by the Retirement Board.

(j) The disability referred to herein as a basis for retirement shall mean disability of permanent duration, except disabilities determined by the Retirement Board, predicated upon best medical opinion, to be of an extended and indefinite duration.

(k) For the purposes of the Retirement System, ages of members used in the calculation of allowances shall be taken to the next lower completed quarter year.

(l) Any fire or police service performed outside the limits of the city by a member of the Retirement System under the orders of a superior officer of any such member, shall be considered as performed within the scope of a member's employment, and any disability or death incurred therein shall be covered under the provisions of the Retirement System.

(m) For the purposes of the Retirement System, "member of the Fire Department" or "member of the Police Department", shall include any officer or employee of either of such departments whose principal duties are to prevent and extinguish fire or to preserve the peace, prevent injury to life and property, or to suppress crime or disorder, and shall exclude persons whose principal duties are those of civilian personnel such as, but not limited to, administrative analyst, training coordinator, technical specialist, housing inspector, telephone operator, clerk or stenographer, machinist or mechanic, or other similar duties clearly not falling within the foregoing

regular fire or police duties, even though such persons may be called upon occasionally to perform such regular fire or police duties; provided that the foregoing exclusions shall not apply to members of the System who are reassigned to perform any of the excluded duties. After the effective date hereof, the maximum age at which any person, except a person employed as Chief of the Fire Department or Chief of the Police Department may become or reenter as a member of either the Fire or Police Department, shall be thirty-four years notwithstanding any of the other provisions of this Charter.

Section 1505. Age Exception for Temporary or Part-Time Employees.

As an exception to the maximum age requirement of the preceding section, if the City Manager finds that persons under thirty-five years of age are not available for membership in either of said departments because of conditions brought about by war, he may employ a person over thirty-four years of age in either of said departments on a temporary or part-time basis and such person shall not be entitled to membership in the Retirement System. Authority given to the City Manager under this Section shall terminate after the expiration of one year after the end of the war on a date to be determined by the legislative body of the city.

Section 1506. Restrictions on Retired Persons.

No person retired for service or disability receiving a retirement allowance under the Retirement System shall serve in any appointive position in the service of the city, including memberships on Boards or Commissions, nor shall such person receive any payment for service, except in an elective office, rendered to the City after retirement, provided that service as an election officer or juror shall not be affected by this section.

Section 1507. Reductions of Benefits.

That portion of any allowance which is provided by contributions of the city, payable by the Retirement System pursuant to Sections 1509.3, 1509.31, 1509.6(b) or (c), or 1509.71 because of the death or retirement of any member shall be reduced, in the manner fixed by the legislative body, by the amount of any benefits payable to or on account of such member, under the Workmen's Compensation laws of the State of California, where such Workmen's Compensation benefits are payable for the same cause which resulted in such allowance. Said reduction shall apply to any allowance or other benefit provided by city contributions under this Article, whether the recipient of the allowance or benefit hereunder is the recipient of the Workmen's Compensation payments or not. Benefits included and payable under such Workmen's Compensation laws for temporary disability payments prior to retirement or for medical, surgical, and hospital treatment, and expenses of burial, and attorney's fees, shall not be deemed benefits here-

under. In like manner said portion shall be reduced by the amount of any pension paid to or on account of the death of such member from funds of the United States, State of California or any political subdivision thereof, on account of, or on the basis of service credited under the Retirement System, except social security payments or pensions paid on account of service in the armed forces of the United States.

Section 1508. Existing Allowances.

(a) Retirement or death allowances existing in favor of or on account of members of the Fire or Police Departments at the time of the effective date of this Article, shall be continued in force, including a remarried widow during any period of time when she is unmarried by reason of the death of, annulment or divorce from a succeeding husband, and shall be paid by the Retirement System. Allowances which were effective, because of a member's retirement or death before retirement, after November 5, 1968, and prior to the effective date hereof, shall be adjusted to the new basis of all benefits provided in this Article XV upon the election by the member or surviving wife to accept the modifications provided in this amendment.

(b) Every retirement or death allowance presently payable pursuant to the 1935 System as heretofore modified for time, to or on account of a person who died as a member or retired on or after July 1, 1935, and prior to the effective date of this section, shall from and after the effective date hereof and upon the election by the member or his surviving wife within 180 days of the effective date of this amendment, be adjusted annually in accordance with Section 1509.8 hereof. Such annual adjustments shall not be retroactive but shall only be from and after the effective date hereof.

(c) The provisions of these subparagraphs (a) and (b) do not apply to persons receiving benefits pursuant to Charter provisions in effect prior to July 1, 1935, nor to any widow of a member who had remarried on or before November 5, 1968, and to whom the member's contributions had been paid.

Section 1509. Benefit and Contribution Requirements.

Persons who shall be members of the Fire and Police Retirement System on the effective date hereof shall remain members of the System upon such date and shall retain all rights under the System theretofore in effect. All persons who shall become members of the Fire or Police Departments after the effective date hereof, shall become members of the Retirement System forthwith and all members of the System who elect to take the new benefits and pay the contributions required from the effective date of the amendment shall be subject to the provisions of this Article XV, as modified by this amendment.

Section 1509.1. Service Retirement; 15 Years Service; Age 50.

Members may retire upon or after attaining age 50 provided that a member shall at the effective date of election to retire have rendered at least 15 years of Service.

Section 1509.12. Service Retirement; 25 Years Service.

Notwithstanding any other provision of this Charter, members may exercise their option to retire provided they shall at the effective date of election to retire have rendered at least 25 years of Service.

Section 1509.13. Service Retirement; Compulsory at Age 60.

Members must retire at the age of 60 years, provided that the Chief of the Fire Department, the Chief of the Police Department, or the Assistant Director of Civil Defense holding such office on January 1, 1967, who attains the age of 60 years as a member of the System, may be retained in service as such chief, or such director, at the option of the City Manager, but such retention shall not extend beyond the age of 65 years. Such retained chief or retained director shall continue to be a member of the System.

Section 1509.14. Service Retirement; Dismissal.

Dismissal of a member from service for any cause after the member has qualified as to age and service for service retirement shall not deprive such member of the right to retire for service.

Section 1509.15. Service Retirement; Retirement Allowance.

(a) Members have the optional right to retire for service as set forth herein upon electing the right to so retire and upon retirement for service shall receive a service retirement allowance equal to 1/50 of the member's final compensation, times the member's number of years of service, times an actuarial equivalent at his actual retirement age as set forth in the following table, provided that in no event shall the initial service retirement allowance exceed 75 percentum of the member's final compensation:

Age at Retirement	Actuarial Equivalent
46	.8226
47	.8678
48	.9085
49	.9522
50	1.0000
51 and over	1.0516

(b) The following table of age at retirement and actuarial equivalents shall be operative in whole or in part to the calculations set forth in subparagraph (a) of this Section when the cost to the City as contribution for service for current and past service, excluding contributions of and concerning charter provisions in effect prior to July 1, 1935, does not exceed 14.50 per cent of members' compensation paid during the said year the said following table becomes operative. If as the result of a periodical actuarial valuation and investi-

gation taking into consideration reductions in prior service obligations of City and the earnings of the Fund, the foregoing conditions are met, the Board of Directors shall, by ordinance or resolution, establish the effective date of the new retirement rates which date shall be within 90 days of the filing of the said actuarial report.

Said equivalents shall be applicable only to those members retiring after said valuation, investigation and determination by the said Board of Directors and subject to the formula and limitations of subparagraph (a) of this Section:

Age at Retirement	Actuarial Equivalent
52	1.1078
53	1.1692
54	1.2336
55 and over	1.3099

Section 1509.3. Service Connected Disability Retirement.

Members shall be retired for disability, regardless of age or amount of service, if incapacitated for the performance of duty as the result of injury or illness incurred in the performance of duty.

Section 1509.31 Service Connected Disability Retirement; Allowance.

Upon retirement for disability resulting from injury or illness incurred in performance of duty, members shall receive a disability retirement allowance of 50 percentum of the member's final compensation. If such member might otherwise elect to retire for service at a greater retirement allowance pursuant to the provisions hereof, he shall elect either the higher service retirement allowance or the disability retirement. Such election shall be irrevocable by the member thereafter.

Section 1509.32. Non-Service Connected Disability Retirement.

Members shall be retired regardless of age but only after ten years of service to the city in either or both the Fire and Police Departments if incapacitated for the performance of duty as the result of an injury or illness not incurred in the performance of duty.

Section 1509.33. Non-Service Connected Disability Retirement; Allowance.

Upon retirement for disability resulting from injury or illness not incurred in the performance of duty, a member shall receive a disability retirement allowance of $1\frac{1}{2}$ percentum of the member's final compensation, multiplied by the number of years of service in either or both the Fire and Police Departments credited to the member if such allowance exceeds $\frac{1}{4}$ of the member's final compensation; otherwise, $1\frac{1}{2}$ percentum of the member's final compensation, multiplied by the

number of years which would be creditable to the member were the member's service to continue until the member's attainment of the age of 55 years, but such allowance shall not exceed ¼ of the member's final compensation. If such member might otherwise elect to retire for service at a greater retirement allowance pursuant to the provisions hereof, he shall elect either the higher service retirement allowance or the disability retirement. Such election shall be irrevocable by the member thereafter.

Section 1509.34. Disability; Reinstatement.

If the disability for which a member was retired shall cease to the extent necessary to enable him to perform the duties of the rank or position he held at the time of retirement, the member's allowance shall cease at the option of the Retirement Board, and the member shall be reinstated at the rank and in a position of the same grade as the member occupied at the time of retirement. The member's individual account shall be credited with an amount which is the actuarial equivalent of the member's annuity at that time as based on a disabled life, but not exceed the amount of the member's accumulated contributions at the time of the member's retirement for disability. The amount so credited to the member's individual account shall be administered as contributions deducted from the member's compensation. Upon retirement at any time thereafter, the member shall receive service credit for the time during which the member was retired for disability, but the member shall not be required to make contributions for such time. If, following reinstatement, the member does not enter upon the duties of the member's position, and is not qualified for service retirement, the member shall be subject to the provisions of Section 1509.4 hereof. This Section shall not apply to any member who shall have been qualified for and who shall have elected previously service retirement rather than disability retirement.

Section 1509.4. Deferred Retirement.

Should any member be separated from service of the city through any cause other than death or retirement, then all of the member's contributions, with interest, shall be refunded to the member, provided that if such member is entitled to be credited with at least ten years of service, the member shall have the right to elect within ninety days after said termination of service, whether to allow the member's accumulated contributions to remain in the Retirement Fund. Such election shall become void upon such person's employment in a position requisite for membership in this System, and may be revoked by such person at any time prior thereto. Upon such revocation, the member's accumulated contributions shall be refunded to the member. Failure to make an election during the said 90-day period shall be deemed an irrevocable election to withdraw the member's accumulated contributions.

A member whose membership continues under this section is subject to the same age requirement as applies to other members for service retirement, but is not subject to a minimum service requirement. After the qualification of such member for retirement by reason of age for service retirement and only then, the member shall be entitled to receive a retirement allowance based upon the amount of the member's accumulated contributions and service standing to the member's credit at the time of retirement and on the employer contributions held for the member and calculated in the same manner as for other members.

Section 1509.41. Reentry; Adjustment of Contribution Rate.

If a member who has separated from service and who has elected to continue his membership pursuant to Section 1509.4 shall again become an employee of either the Fire Department or the Police Department, on reentry the member's rate of contributions for the future shall be adjusted by the actuary as necessary, by adding to his original age for contribution purposes the number of years said member was out of service in either the Fire Department or the Police Department.

Section 1509.5. Refund of Contributions.

Member's contributions made under Sections 1509.81 and 1509.9 hereof, shall be credited to the individual account of the member from whose compensation they were deducted, and no amendment to this Charter or repeal thereof shall prevent the payment to the member or member's beneficiary, of such contributions made prior to the effective date of such amendment or repeal, with interest, upon separation from service of the city, for reason by other than retirement, as provided herein, or the application of such contributions, with interest, toward providing the member's retirement or death allowance, as the case may be.

Section 1509.6 Retirement Allowance; Dependent Continuation of at Death of Member.

(a) Upon the death of any member receiving a retirement allowance pursuant to the provisions of Sections 1509.1, 1509.12, 1509.15, 1509.33 or 1509.4 hereof, 60% of the member's retirement allowance shall, if not modified in accordance with one of the optional settlements now or hereafter specified by ordinance, be continued throughout life or until remarriage, to the surviving wife.

(b) Upon the death of any member receiving a service connected disability retirement allowance pursuant to the provisions of Sections 1509.3 and 1509.31 hereof, 100% of the member's retirement allowance shall be continued throughout life or until remarriage, to the surviving wife.

(c) If there be no surviving wife or if she dies or remarries before every unmarried child of such deceased member attains the age of 21 years, then the allowance which would otherwise be paid to the surviving wife had she quali-

fied and lived and not remarried, shall be paid to such child or children under said age of 21 years, collectively, to continue until every such child dies or attains age 21 or marries, or unless the subsequent marriage of the widow is terminated by the death of, annulment or divorce from a succeeding husband; provided that no child shall receive any allowance after marrying or attaining the age of 21 years. No allowance shall be paid under this Section to a surviving wife unless the surviving wife was married to the member at least one (1) year prior to his date of retirement.

The remarried widow shall have the right to receive a continuation of her monthly allowance during any period of time in the future when she is unmarried by reason of the death of, annulment or divorce from a succeeding husband.

Section 1509.61. Refund of Dependent Contributions; to Dependents.

If the payment of the allowance for surviving wife or child or children of a member as set forth in Section 1509.6 hereof terminates by death of the widow and because of the death, attainment of age 21 by or marriage of every child or children before the sum of the monthly payments made shall equal the sum of the member's dependent contributions, with interest thereon, as it was at his retirement, then an amount equal to the difference between said sums shall be paid in one amount to the surviving children of the deceased member, share and share alike.

Section 1509.62. Refund of Dependent Contributions; to Member.

If at the date of retirement for service or disability, service connected or non-service connected, a member has no wife or child or children qualifying under this Article XV for dependent continuation allowance, the dependent contributions made by the member, with accumulated interest thereon, shall be paid to the member upon said date.

Section 1509.7. Death of Member Prior to Retirement; Death Benefit.

Upon the death of a member, before retirement, the Retirement System shall be liable for and shall pay a death benefit consisting of either or both of the following:

(a) The member's accumulated contributions, with interest thereon, to be paid to the member's estate or to such person having an insurable interest in the life of the member if the member shall nominate by written designation duly executed and filed with the Retirement Board.

(b) An amount of money equal to the member's compensation earnable during the 6 months immediately preceding the death of the member to be paid only to the member's surviving spouse, child or children or dependent father or mother.

The foregoing death benefits shall be paid in monthly installments in accordance with Sections 1509.71 and 1509.72 hereof, except where a lump sum is specified.

Section 1509.71. Service Connected Death; Prior to Retirement.

If, in the opinion of the Retirement Board, the death of a member, prior to retirement be the result of injury or illness, incurred in the performance of duty, the Retirement System shall be liable for and shall pay as follows:

(a) An amount sufficient, when added to the amounts provided in Section 1509.7 (a) and (b), but excluding the member's accumulated additional contributions, to provide when applied according to tables and rates recommended by the actuary and approved by the Retirement Board, a monthly death benefit allowance equal to ½ of the member's final compensation, to be paid to the surviving wife to whom said member was married at the time of sustaining the said injury or illness, to continue throughout her life or until her remarriage; or if there be no surviving wife, or if she dies or remarries before every unmarried child of such deceased member shall have attained the age of 21 years, then to such child or children under said age collectively, to continue until every such child dies, attains said age, or marries, or unless the subsequent marriage of the widow is terminated by the death of, annulment or divorce from the succeeding husband; provided that no child shall receive any allowance after attaining the age of 21 years or marriage. If payment of the allowance be stopped because of the death of the surviving wife and attainment of the age of 21 years by or marriage of a child before the sum of the monthly payments shall equal the sum of the amounts provided in Section 1509.7 (a) and (b), then an amount equal to the difference between said sum shall be paid in one amount to the surviving children of the deceased member share and share alike.

The remarried widow shall have the right to receive a continuation of her monthly allowance during any period of time in the future when she is unmarried by reason of the death of, annulment or divorce from a succeeding husband. The widow shall have no right to withdraw the said remaining balance, if any, of Sections 1509.7 (a) and (b).

Section 1509.72. Non-Service Connected Death; Prior to Retirement.

(a) If, in the opinion of the Retirement Board, the death of a member, prior to retirement hereunder, be not the result of injury or illness incurred in the performance of duty, and if said member be qualified at the date of death for retirement for service, pursuant to this Article XV, then, the Retirement System shall be liable for and shall pay an amount sufficient, when added to the amounts provided in Section 1509.7 (a) and (b) hereof, to provide an allowance to be paid to the surviving wife to whom said member was married at least one (1) year prior to his death, to be equal in amount to the allowance which would have been payable to her if the said member had retired for service at the time of his

death and had died instantly thereafter, and to continue throughout her life or until her remarriage, or if there be no surviving wife, or if she dies or remarries before every unmarried child of such deceased member shall have attained the age of 21 years, then to such child or children under said age collectively, to continue until every child dies, attains said age, or marries, or unless the subsequent marriage of the widow is terminated by the death of, annulment or divorce from a succeeding husband; provided that no child shall receive any allowance after attaining the age of 21 years or marriage. If payment of the allowance be stopped because of death of the widow and attainment of the age of 21 years by or marriage of every child before the sum of the monthly payments shall equal the sum of the amounts provided in Section 1509.7 (a) and (b), then an amount equal to the difference between said sum shall be paid in one amount to the surviving children of the deceased member, share and share alike.

The remarried widow shall have the right to receive a continuation of her monthly allowance during any period of time in the future when she is unmarried by reason of the death of, annulment or divorce from a succeeding husband. The widow shall have no right to withdraw the said remaining balance, if any, of Sections 1509.7 (a) and (b).

(b) If, in the opinion of the Retirement Board, the death of a member prior to retirement hereunder be not the result of injury or illness incurred in the performance of duty, and if said member has prior to death made an unrevoked election to continue membership in the System in accordance with Section 1509.4 hereof, the Retirement System shall be liable for and shall pay in a lump sum a death benefit according to and equal to Section 1509.7 (a).

(c) If, in the opinion of the Retirement Board, the death of a member prior to retirement hereunder be not the result of injury or illness incurred in the performance of duty and said member was an employee at the date of death and if Sections 1509.71 and 1509.72 (a) or (b) hereof do not apply, the Retirement System shall be liable for and shall pay in a lump sum a death benefit consisting of the benefits referred to in Section 1509.7 (a) and (b).

Section 1509.8. Cost of Living Index.

The Retirement Board shall, before April 1970, and before April of each year thereafter, determine whether there has been an increase or decrease in the cost of living as provided by this Section. Every retirement allowance, death allowance or allowance payable monthly to or on account of any member who has elected to take the modified system, and who retires or dies or who has retired or died shall be increased or decreased as of July 1 of each year, commencing July 1, 1970, by a percentage of the total allowance then being received found by the Board to approximate the nearest one per cent of the percentage of annual increase or decrease in the cost

of living as of January 1 of that year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the Los Angeles-Long Beach Metropolitan Area.

Section 1509.81. Cost of Living Benefits; Funding of..

For the purpose of paying increased benefits according to Section 1509.8 hereof, the city and members shall, for the 10 consecutive years following the effective date of this Section 1509.81, each contribute to the Retirement Fund an amount equal to 1% of the member's compensation and thereafter, the city and members shall each contribute to said Retirement Fund either an amount equal to 1% of the member's compensation or an amount equal to that percentage of the member's compensation as determined by and based upon an actuarial reserve basis pursuant to the then current actuarial studies at the discretion of the City Board of Directors for such period of time as the said Board of Directors shall determine. The required contributions of members shall be required as a deduction from the compensation of each member.

Section 1509.9. Normal Employee Contributions.

The normal rates of contributions by members to the Retirement System shall be such as will provide an average annuity at age 50 equal to 1/100 of the final compensation of members according to the tables adopted by the Retirement Board and modified from time to time pursuant to this Article, for each year of service rendered after entering the System, and shall be required as a deduction from the compensation of each member throughout the member's membership.

Section 1509.91. Costs of System.

All costs of administering the System shall be charged to the System and not to the city, including administration, investment costs, and actuarial reports.

Section 1509.92. City Contributions.

The total amount, as determined by the actuary and approved by the Retirement Board, of the contributions required during any fiscal year of the city under the Retirement System, shall be paid into the Retirement Fund by the city during such year. Liabilities accruing under the Retirement System because of service rendered to the city prior to July 1, 1935, and because of deaths and disability retirement of members, not met by members' contributions, shall be met by contributions to the Retirement Fund by the city, in addition to any amounts contributed to meet liabilities accruing because of service rendered by persons after becoming members of the System, provided that such prior service liabilities may be met by annual appropriations instead of by one appropriation for the total amount of the liabilities; and provided further, that such appropriation for any one year shall be not less than the total amounts disbursed during that year on account of either or both of (a) prior service, and (b) death and disability benefits not provided by members' contributions.

The increase in liabilities created under the Retirement System, due to the amendment of this Article XV, for service rendered prior to its adoption and subsequent to June 30, 1935, shall be amortized over the period ending June 30, 1999, by annual installments, as determined by the actuary and approved by the Retirement Board.

In addition to other contributions required of the city under the System, the city shall contribute to the Retirement Fund such sums as may be necessary when added to the members' contributions provided for herein, to provide the remaining portion of service retirement allowances, including continuances of such allowances, which is based on service rendered after June 30, 1935. Such sums shall be made in annual installments, and the installment to be paid in any year shall be determined by the application of a percentage to the total members' compensation paid during said year, said percentage to be the ratio of the value at the effective date hereof or at the date of the last valuation prior to said date, or at the later date of a periodical actuarial valuation and investigation into the experience under the System as provided by the Charter and by ordinance, of such allowances thereafter to be paid to or on account of persons who were members from contributions of the city, less the amount of such contributions, with accumulated interest thereon, then held by said System to provide said benefits on account of service rendered by respective members after the date stated in the sentence next preceding, to the value at said respective dates of compensation thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation by all causes, of members from service before retirement and of death after retirement. Said percentage shall be changed by the Board on the basis of said values determined in said periodical actuarial valuation and investigation into the experience under the System. The percentage to be used shall be thirteen and eighty-two hundredths per cent (13.82%) until redetermined by the Retirement Board on the basis of the periodical investigation and actuarial valuation under the System.

Section 1509.93. Periodic Actuarial Investigation.

Periodically, at periods fixed by the legislative body, the Retirement Board shall make an actuarial investigation into the mortality, service and other experience under the System, and, further, shall make an actuarial valuation of the assets and liabilities of the System, and upon the basis of such investigation and valuation as interpreted by the actuary, any necessary revision of the tables and rates being used under the System shall be made by the Retirement Board. No adjustment will be included in members' new rates of contribution resulting from said periodical investigation. Charter or ordinance

amendments, or other cause, for time prior to the effective date of such new rates.

Section 1510. Military Leave of Absence; Contributions and Credits.

Any member on or who has been on military leave of absence from duty may make payments to the Retirement Fund of all or any part of the normal contributions which would have been deducted from the member's compensation had the member been on duty. The legislative body by ordinance shall determine how and when such payment shall be made. All such payments shall be matched by contributions of the city to the Retirement Fund, and such member shall receive credit for such payments and matching contributions of the city, and for the time during which a member is or has been on military leave of absence from duty.

Section 1511. Election to Join Public Employees' Retirement System.

The legislative body of the city shall have the power to authorize any member of the Retirement System to join the Public Employees' Retirement System, provided the membership of the Retirement System has first complied with any election requirements or other conditions prescribed by the Public Employees' Retirement System Act, as now enacted or hereafter amended

Section 1512. Effective Date.

This amended Article XV shall become effective and operative on the first day of July, 1969."

That we have compared the foregoing amendment with the original proposal proposed by Ordinance No. 4912 to be submitted to the electors of said city, and find that the foregoing is a full, true, correct and exact copy thereof.

That as to said amendment this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the seal of the said City of Pasadena to be affixed hereto this 20th day of May, 1969.

WALTER L. BENEDICT
(SEAL) Vice-Chairman of the Board of Directors of the City of Pasadena
DOROTHY E. MARTIN
Deputy City Clerk

and

WHEREAS, Said proposed amendment to the Charter of the City of Pasadena, ratified by the electors of said city, as aforesaid, has been, and is now, submitted to the Legislature of the State of California, for approval or rejection without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendment to the Charter of the City of Pasadena, as proposed to, adopted and ratified by the qualified electors of said City of Pasadena, as hereinabove fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the Charter of the City of Pasadena.

RESOLUTION CHAPTER 189

Assembly Concurrent Resolution No. 171—Relative to proclaiming Muscular Dystrophy Month.

[Filed with Secretary of State June 5, 1969.]

WHEREAS, Public support is vital in the relentless battle against the crippling disease of muscular dystrophy; and

WHEREAS, In California, hundreds of children suffer with incurable muscular dystrophy, a progressively crippling disease which causes a limited life expectancy for its victims; and

WHEREAS, Direct patient aid to victims of this dreaded disease is given without cost by Muscular Dystrophy Associations of America volunteer chapters throughout California and the nation to fight muscular dystrophy and other disorders in the neuromuscular unit such as myositis and amyotrophic lateral sclerosis; and

WHEREAS, Extensive research work is bringing hope to millions suffering from muscular dystrophy and other related neuromuscular diseases; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to issue a proclamation designating the month of November 1969 as Muscular Dystrophy Month in California, and to urge all the citizens of this state to support the important work of the Muscular Dystrophy Associations of America, Inc.; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 190

Assembly Concurrent Resolution No. 189—Approving amendments to the Charter of the City of Richmond, County of Contra Costa, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 13th day of May, 1969.

[Filed with Secretary of State June 5, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF RICHMOND OF THREE CHARTER AMENDMENTS

State of California
County of Contra Costa } ss.
City of Richmond

We, the undersigned, John J. Sheridan, Mayor of the City of Richmond, and Harlan J. Heydon, City Clerk of the City of Richmond, hereby certify and declare as follows:

That the City of Richmond, a municipal corporation in the County of Contra Costa, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred (3,500), and has been, ever since the year 1909, and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city at a special election held for that purpose on the 9th day of February, 1909, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of March, 1909 (Statutes of 1909, Chap. 18).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, on its own motion, the Council of the City of Richmond, being the legislative body thereof, submitted to the qualified electors of the City three proposals to amend the Charter of the City to be voted on at a special municipal charter amendment election called and consolidated with the general municipal election to be held on the 13th day of May, 1969.

That Proposals Nos. 1, 2, and 3 were published and advertised in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California and in accordance with the provisions of the Charter of the City of Richmond on the 2nd day of April, 1969, in The Independent, a newspaper of general circulation published daily except Sunday in the City of Richmond and the official newspaper of the City, and in each edition thereof during the day of publication.

That copies of Proposals Nos. 1, 2, and 3 were printed in convenient pamphlet form and in type of not less than 10 point, and were mailed to each of the qualified electors of the City, and beginning on April 2, 1969, a notice was advertised in The Independent daily, except Sunday, up to and including the day fixed for the election, that copies of the proposals

could be had on application therefor at the office of the City Clerk, and that during such period copies of the proposals could be had on application therefor at the office of the City Clerk.

That the general municipal election and special municipal charter amendment election consolidated therewith were called, held and conducted in the time, form and manner required by the Charter of the City and by the laws of the State of California on the 13th day of May, 1969, which day was not less than forty (40) and not more than sixty (60) days after completion of the publication and advertisement of the proposals.

That at the election a majority of the qualified voters voting on each of the amendments voted in favor of the proposed amendments.

That all of the proceedings in connection with the submission and ratification of the amendments were had in accordance with Section 8 of Article XI of the Constitution of the State of California, the laws of California, and the Charter of the City of Richmond.

That the charter amendments so ratified are as follows:

Proposal No. 1 amending Article XIII of the Charter of the City of Richmond, entitled "Personnel Administration" in the following particulars:

First: To amend Sections 2(m) and 7(a) of Article XIII to read as follows: (Words in capital letters to be deleted)

"Sec. 2(m). For removals, demotions, REJECTION DURING PROBATION, decreases in pay, suspensions without pay and other forms of discipline of employees whose services are not satisfactory or who violate the provisions of the Article or the rules adopted to carry out the intent of this Article. Employees so discharged or disciplined shall have the right of appeal as outlined in this Article, and under the procedure outlined in the Personnel Rules.

"Sec. 7. The Personnel Board shall have power, and it shall be its duty:

(a) to hear any employee in the Classified Service, upon his request, who has been demoted, suspended, dismissed, REJECTED DURING PROBATION or reduced in pay as follows: No person placed under the Personnel System established by this Article shall be demoted, suspended if for more than thirty days in any one calendar year, dismissed, REJECTED DURING PROBATION, or reduced in pay except by order of the Personnel Director made upon written charges by the council, the City Manager, or the head of the department in which such person is employed, and served upon such person. Whereupon the person so charged shall have an opportunity of filing a written answer or explanation of the charges. Any person demoted, dismissed, suspended, REJECTED DURING PROBATION, or reduced in pay may within ten days from the date of his notification of the same file with the board a written demand for an investigation and public hearing within

a period not to exceed thirty (30) days in accordance with rules and procedures established by the board. After such investigation the board may recommend to the City Manager, suspension, modification or revocation of any order previously made by it suspending, demoting, REJECTING DURING PROBATION, or reducing in pay such a person. The City Manager must act on the recommendation within fifteen (15) days. In cases of contrary action by the City Manager, the board may submit its recommendation to the council. Recommendations of the Board submitted to the Council may be overridden only by a ⅔ vote of the council. (This is not to contravene the employee's right if dissatisfied with any order or ruling of the board, and or council, to appeal to the Superior Court.)"

Proposal No. 2 amending Article III of the Charter of the City of Richmond, entitled "The Council" in the following particulars:

First: To amend Section 3 of Article III as follows: (Words underlined to be added)

"Sec. 3. On the second Monday of May, 1909, an election shall be held within said city for the purpose of electing nine members of said Council.

"The nine members elected at such election, shall at the first regular meeting in July, 1909, so classify themselves by lot that three of said members shall hold office for the term of two years, three for the term of four years, and three for the term of six years.

"On the second Tuesday in May, 1965, and thereafter, on the second Tuesday in May of each odd-numbered year, an election shall be held for the election of three Councilmen to succeed the three members of the City Council whose terms expire; also to elect Councilmen for any unexpired terms that may exist.

"The electors, in form and manner prescribed in section two of article VIII, may by ordinance provide for the division of the city into districts or wards and require that one councilman to be elected at each election shall be a resident of each ward at the time of his election; provided that all councilmen shall be voted for at large.

The City Council may, by resolution, change the date of any general or primary election for City Councilmen to another date in order to consolidate said election with an election of any other public agency which is held within one month of the dates set forth in this Charter for municipal elections. A notice of the change in the date of a general election shall be published for five days not earlier than the 120th day nor later than the 100th day prior to the date fixed for the election. If a general election is held earlier than the second Tuesday in May, the terms of office of the elected councilmen shall com-

mence on the second Monday after said second Tuesday in May, notwithstanding any other provision of this Charter to the contrary."

Proposal No. 3 amending Article XII of the Charter of the City of Richmond, entitled "General Pension Fund" in the following particulars:

First: To add Section 23 to Article XII to read as follows:

"Sec. 23. Notwithstanding any other provision of this article, the minimum full service pension for employees or their dependents presently retired on the date of the adoption of this section, or placed on retirement after the date of the adoption of this section, shall be two hundred fifty dollars ($250.00) per month. Persons who are retired on a limited annual pension shall receive a proportionate share of two hundred fifty dollars ($250.00) per month, in accordance with the proportionate share presently being received or awarded after the date of adoption of this section. A 'full service pension' is one which has been awarded pursuant to Section 2 of this Article or a pension awarded pursuant to Section 5(a), paragraph one (service connected disability), of this Article. A 'limited annual pension' is one which has been awarded pursuant to Section 5 (a), paragraph two (non-service connected disaility), or Section 5(b) of this Article."

We further certify that we have compared the foregoing proposed and ratified amendments to the charter of the City of Richmond with the original proposals submitting the same to the electors of the City and find that the foregoing is a full, true and correct copy of the amendments.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Richmond to be affixed hereto this 19th day of May, 1969.

JOHN J. SHERIDAN
(SEAL) Mayor of the City of Richmond

Attest:
HARLAN J. HEYDON
Clerk of the City of Richmond

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Richmond,

County of Contra Costa, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Richmond, County of Contra Costa.

RESOLUTION CHAPTER 191

Assembly Concurrent Resolution No. 181—Relative to "Apprenticeship Month."

[Filed with Secretary of State June 6, 1969.]

WHEREAS, California employers and organized labor historically have cooperated to provide young people with a meaningful transition from academic pursuits to career employment by the technological application of knowledge through apprenticeship; and

WHEREAS, Apprenticeship is an important milestone for all young adults who expect to participate in the technological world of California industry; and

WHEREAS, Apprenticeship is especially important in bridging the gap between the economically disadvantaged and the industrial world of skilled craftsmen and lifetime employment; and

WHEREAS, California now has the most advanced apprenticeship system in the United States, training some 22,000 apprentices and supported by education and employment agencies, both federal and state; and

WHEREAS, The California Apprenticeship Council and the Department of Industrial Relations, Division of Apprenticeship Standards, have enlisted the aid of labor and management and citizen groups to form joint apprenticeship committees to administer the apprenticeship programs; and

WHEREAS. The Human Relations Agency and the California Apprenticeship Council have designated the month of June, 1969, as "Apprenticeship Month"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim the month of June, 1969, as "Apprenticeship Month"; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 192

Senate Concurrent Resolution No. 103—Relative to the Legislative Budget Committee.

[Filed with Secretary of State June 6, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That in addition to any money heretofore made available to it, the sum of nine hundred seventy-seven thousand dollars ($977,000), or so much thereof as may be necessary, is hereby allocated from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses incurred by the Legislative Budget Committee or its members pursuant to and under the authority of law or the provisions of Joint Rule No. 37.

RESOLUTION CHAPTER 193

Senate Concurrent Resolution No. 112—Relative to God Bless America Week.

[Filed with Secretary of State June 6, 1969.]

WHEREAS, Each year on July the Fourth loyal and patriotic Americans gather to pay tribute to the founding of our great country; and

WHEREAS, Our forefathers, strong of will and strong of spirit, burst forth from the chains of oppression nearly two hundred years ago to found upon our eastern shores a new nation under God dedicated to the freedom of all mankind; and

WHEREAS, In this short period in the history of man, with energy, foresight, and perseverance, our ancestors with their deep historic commitment to freedom built our glorious nation, and through that marvel of the American way, free private enterprise poured forth the most magnificent abundance the world has ever seen; and

WHEREAS, It is with humble gratitude at our good fortune as we look upon this nation, a shining example to those who have yet to escape their chains, that we are compelled to acknowledge the powerful role our religious heritage has played in this great melting pot of ours and to seek God's continued blessing; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of June 29 through July 5 God Bless America Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 194

Senate Joint Resolution No. 7—Relative to the effect of supersonic jet aircraft.

[Filed with Secretary of State June 9, 1969.]

WHEREAS, Sonic booms caused by supersonic flights of modern jet aircrafts have already caused extensive property damage and untold aesthetic harm; and

WHEREAS, The destructive capacity of sonic booms is attested to by the fact they have destroyed a substantial control tower and severely damaged houses; and

WHEREAS, There are presently under construction jet transports capable of speeds in excess of 1,000 miles per hour, which would produce sonic booms of a greater magnitude than those currently being produced and with consequently greater damage; and

WHEREAS, The Federal Aviation Agency estimates that there may be as many as 200 transcontinental flights daily by these planes within a decade, subjecting many citizens to these supersonic booms 15 to 20 times a day; and

WHEREAS, It has also been estimated that property damages from these sonic booms may exceed one billion dollars a year, and cause increases in property insurance rates and taxes, besides causing untold psychological damage; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to comprehensively examine and review the contention of the Federal Aviation Agency and other authorities concerning the inevitability of the coming of the supersonic boom as an immutable condition in the lives of the citizens of California and the United States, and to take appropriate action to forestall any such eventuality with its possible catastrophic effects and determine what can be done to alleviate what could become the most offensive environmental blight of the 20th century; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 195

Senate Concurrent Resolution No. 58—Relative to commending Robert H. Volk.

[Filed with Secretary of State June 10, 1969.]

WHEREAS, Robert H. Volk has recently resigned as Commissioner of Corporations to assume the posts of president and member of the board of Union Bancorporation; and

WHEREAS, From the time of his appointment as Commissioner of Corporations by Governor Ronald Reagan on Feb-

ruary 14, 1967, Mr. Volk has served the people of California with vigor, imagination and great distinction; and

WHEREAS, Mr. Volk attended grade school in Verona, New Jersey, and received his high school education at Montclair Academy, Montclair, New Jersey, and University High School in West Los Angeles; and

WHEREAS, In 1954 he graduated from Stanford University with a B.A. degree, and received his LL.B. degree in 1958; and

WHEREAS, While an undergraduate, Mr. Volk was a member of the Phi Gamma Delta fraternity and is presently a member of the Phi Delta Phi legal fraternity; and

WHEREAS, He served as a special investigator in the Office of Special Investigation of the United States Air Force from 1955 to 1957; and

WHEREAS, In 1959 he was admitted to the California Bar and was then associated with the law firm of Adams, Duque and Hazeltine of Los Angeles, in which he became a partner in 1962; and

WHEREAS, Mr. Volk is a member of the American, California and Los Angeles Bar Associations, and is on the Board of Trustees of Chadwick School and the Board of Directors of the Los Angeles Metropolitan Y.M.C.A.; and

WHEREAS, Mr. Volk and his wife, Barbara, have four children: Christopher, William, Laura and Elizabeth; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Robert H. Volk for his outstanding services to the people of California as Commissioner of Corporations and extend to him and his family best wishes for the future; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Robert H. Volk.

RESOLUTION CHAPTER 196

Senate Concurrent Resolution No. 120—Relative to Mosquito Control Week.

[Filed with Secretary of State June 10, 1969.]

WHEREAS, To safeguard the health and to promote the comfort of the citizens of the State of California it is essential that the development of improved methods and techniques to control mosquitoes be stimulated, that information on this subject be more widely disseminated, and that closer cooperation among those directly concerned with this problem be established; and

WHEREAS, The California Mosquito Control Association, Inc., representing 60 special county tax-supported mosquito control

districts in this state, has a broad program to make Californians aware of the services offered by each district to combat and control mosquito-borne disease; and

WHEREAS, It is essential and imperative that this fight meet with success, if full utilization and enjoyment of personal, recreational, industrial, and agricultural facilities is to be achieved; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to issue a proclamation designating July 13th through 19th as "California Mosquito Control Week," and urge the people of California to cooperate at all times, especially that week, with the programs for the combating and control of mosquitoes; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 197

Assembly Concurrent Resolution No. 172—Approving amendments to the Charter of the City of Fresno, County of Fresno, State of California, ratified by the qualified electors of the city at a general municipal election held therein on the 15th day of April, 1969.

[Filed with Secretary of State June 12, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of Fresno, a municipal corporation in the County of Fresno, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF AMENDMENTS TO THE CHARTER OF THE CITY OF FRESNO

State of California }
County of Fresno } ss.
City of Fresno }

We, Ted C. Wills, Mayor of the City of Fresno, and Jacqueline L. Ryle, City Clerk of the City of Fresno, do hereby certify and declare as follows:

That the City of Fresno, in the County of Fresno, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than fifty thousand (50,000) inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That the City of Fresno is now, and was at all of the times herein mentioned, organized and existing under a charter adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors of the City at a general municipal election held for that purpose on the 8th day of April, 1957, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 10th day of June, 1957 (Assembly Concurrent Resolution No. 163, Chapter 277, Statutes 1957, Page 4680).

That in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, the Council of the City of Fresno, being the legislative body of the City, on its own motion, by Resolution No. 69-53 adopted on the 20th day of February, 1969, duly and regularly submitted to the electors of the City proposals for certain amendments to the charter of the City, and the Council ordered that the proposed charter amendments as particularly set forth in said Resolution No. 69-53 be submitted to the electors of the City at the general municipal election to be held in the City on the 15th day of April, 1969.

That on the 5th day of March, 1969, the proposed charter amendments were published and advertised in accordance with Section 8, Article XI of the Constitution, in the Fresno Bee—The Republican, a newspaper of general circulation within the City, and in each edition thereof during the day of publication.

That copies of the proposed charter amendments were printed in convenient pamphlet form in type not less than 10-point, and were mailed to each of the qualified electors of the City; that copies thereof could be had upon application therefor at the office of the City Clerk on and from March 6, 1969, to and including April 15, 1969; and that a notice was advertised and published on and from March 6, 1969, to and including April 15, 1969, in the Fresno Bee—The Republican, a newspaper of general circulation within the City, that copies thereof might be had at the office of the City Clerk of the City upon application therefor.

That pursuant to the provisions of Section 1400 of the charter of the City of Fresno a general municipal election was required to be held in the City of Fresno on the 15th day of April, 1969, which date was not less than forty (40) days, and not more than sixty (60) days, after the completion of the publication of the proposed charter amendment as aforesaid.

That the said general municipal election was held in the City of Fresno on the 15th day of April, 1969, and said proposed charter amendments were designated upon the ballot therefor, and voted upon by the electors voting at said election, as Measures A, B, C, D, E, F, and G, respectively.

That thereafter the Council of the City of Fresno did, in the manner provided by law, duly and regularly cause to be canvassed the returns of the said general municipal election

and did, by resolution adopted on April 22, 1969, duly declare the results of the said general municipal election as determined from the canvass of the returns thereof, and did find, determine, and declare that each of said proposed amendments, except Measure B, did receive a majority vote of the qualified voters voting in said election in favor thereof, and are therefore deemed ratified.

That the said proposed charter amendments so submitted by the Council of the City of Fresno and so ratified by the qualified voters of the City are in words and figures as follows:

1. [Measure A]. Section 304 of the Charter of the City of Fresno is amended to read:

Section 304. Eligibility. No person shall be eligible to hold an elective office unless he is, and shall have been for a period of at least three years immediately preceding his election or appointment, a qualified registered elector of the City or of territory outside the City which was annexed to the City at least one year prior to his election or appointment. Residence as a qualified registered elector of such territory and residence as a qualified registered elector of the City may be combined to constitute such three-year period.

2. [Measure C]. Sections 600, 601, and 602 of the Charter of the City of Fresno are amended to read:

Section 600. Enactment of Ordinances. Legislative action, including the establishment of a fine or other penalty or the grant of a franchise, shall be taken by the Council only by means of an ordinance, as follows:

(a) Each ordinance shall be introduced in writing, and its enacting clause shall be substantially as follows: "The Council of the City of Fresno does ordain as follows:".

(b) No ordinance shall be adopted by the Council on the day of its introduction, or on the day it is altered after introduction, nor within five days thereafter, except as follows:

(1) An ordinance which takes effect upon adoption;

(2) An ordinance changing the land use zoning district of property which has been the subject of a noticed public hearing by the Council;

(3) An alteration necessary only to correct a typographical or clerical error;

(c) No ordinance, except an emergency ordinance, shall be adopted at any time other than a regular or adjourned regular meeting;

(d) Upon the demand of a member of the Council at the time of the adoption of an ordinance, it shall be read in full, unless the reading thereof is waived by the Council.

Section 601. Vote Required. No ordinance shall be passed or become effective without receiving the affirmative vote of at least four members of the Council unless otherwise provided in the Charter.

Section 602. Roll Call Vote. At the demand of any member, or at the request of the City Clerk, upon any question,

the City Clerk shall call the roll and shall cause the ayes and noes taken thereon to be entered in the minutes of the meeting.

3. [Measure D]. Section 707 of the Charter of the City of Fresno is amended to read:

Section 707. Chief Administrative Officer pro Tempore. The Council shall appoint by majority vote a Chief Administrative Officer Pro Tempore, who notwithstanding Section 801 may be an officer or employee appointed by the Chief Administrative Officer, to serve during the absence of the Chief Administrative Officer from the City or while he is unable to perform his duties or during any vacancy in his office.

4. [Measure E]. Section 802 of the Charter of the City of Fresno is amended to read:

Section 802. City Clerk. Powers and Duties. The City Clerk shall have power and be required to:

(a) Be responsible for the recording and maintaining of a full and true record of all the proceedings of the Council in books that shall bear appropriate titles and be devoted to such purpose, and attend all meetings of the Council either in person or by deputy;

(b) Maintain separate books, in which shall be recorded respectively all ordinances and resolutions, with the certificate of the Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been published in accordance with this Charter; keep all books properly indexed and open to public inspection when not in actual use;

(c) Maintain separate files, with appropriate indexes thereto, of all contracts the execution of which was specifically authorized by Council action, and of all official bonds of the City;

(d) Be the custodian of the Seal of the City;

(e) Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City and certify copies of official records;

(f) Be ex-officio Assessor, unless the Council has availed itself, or does in the future avail itself, of the provisions of the general laws of the State relative to the assessment of property and the collection of City taxes by county officers, or unless the Council by ordinance provides otherwise.

(g) Maintain in appropriate books and files such other records, documents, instruments, and papers as the Council shall provide by ordinance.

Except as may be otherwise provided by ordinance or resolution of the Council the destruction or other disposition of City records, documents, instruments, books, and papers in the custody of the City Clerk shall be governed by the laws of the State regulating the destruction or disposition of the records of general law cities.

5. [Measure F]. Section 902 of the Charter of the City of Fresno is amended to read:

Section 902. Appointments. Terms. The members of each of such boards or commissions shall be appointed by the Mayor with the approval of the Council from the qualified electors of the City, none of whom shall hold any paid office or employment in the City government. They shall be subject to removal by motion of the Council adopted by at least five affirmative votes. The members thereof shall serve for a term of four years and until their respective successors are appointed and qualified.

The terms of the members first appointed to each board and commission shall be determined by lot so that as nearly as possible the terms of twenty-five per cent of the total membership of each board or commission shall expire each succeeding July 1.

Thereafter, any appointment to fill an unexpired term shall be for such unexpired period.

6. [Measure G]. Section 904 of the Charter of the City of Fresno is amended to read:

Section 904. Meetings. Chairmen. As soon as practicable, following the first day of July of every year, each of such boards and commissions shall organize by electing one of its members to serve as presiding officer at the pleasure of such board or commission. Each board or commission established by this Charter shall hold regular meetings at least once each month. Each board or commission created by ordinance shall hold regular meetings at such regular intervals as the proper transaction of its business shall require, but not less often than once each year. All proceedings shall be open to the public.

Except as may be otherwise provided in this Charter, the Chief Administrative Officer shall designate a secretary for the recording of minutes for each of such boards and commissions, who shall keep a record of its proceedings and transactions. Each board or commission may prescribe its own rules and regulations which shall be consistent with this Charter and copies of which shall be kept on file in the office of the City Clerk where they shall be available for public inspection. Each board or commission shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath, to compel the production of evidence before it and to administer oaths and affirmations.

We, and each of us, further certify that we have compared the text of each of the foregoing charter amendments with the original proposal submitting the same to the electors of the City, and find that the foregoing is a full, true, correct and exact copy thereof; and that as to said charter amendments this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Fresno to be affixed hereto this 22d day of April, 1969.

TED C. WILLS
(SEAL) Mayor of the City of Fresno
JACQUELINE L. RYLE
City Clerk of the City of Fresno

Approved as to form:
SPENCER THOMAS JR.
Acting City Attorney of the
City of Fresno
Date: April 22, 1969.

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Fresno, County of Fresno, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of the Charter of the City of Fresno, County of Fresno.

RESOLUTION CHAPTER 198

Assembly Concurrent Resolution No. 174—Approving a revision of the Charter of the City of Visalia, County of Tulare, State of California, ratified by the qualified electors of the city at a special municipal election held therein on the 14th day of April, 1969.

[Filed with Secretary of State June 12, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of a revision of the Charter of the City of Visalia, a municipal corporation in the County of Tulare, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

State of California }
County of Tulare } ss.
City of Visalia }

We, the undersigned, Edmund L. Vollmer, Mayor of the City of Visalia, State of California, and Jean S. Banks, City Clerk of said City, do hereby certify and declare as follows:

That the City of Visalia, a municipal corporation in the County of Tulare, State of California, now is and at all times herein mentioned was a city containing a population of more than three thousand five hundred inhabitants and has been ever since the fourth day of January, 1923, and is now, organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at an election held for that purpose on the fourth day of January, 1923, and approved by the Legislature of the State of California, by Assembly Concurrent Resolution filed with the Secretary of State on the twenty sixth day of February, 1923.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Visalia, being the legislative body of said City, caused to be framed a proposed new Charter of the City of Visalia, and on its own motion by its Resolution No. 697, passed February 17, 1969, duly and regularly proposed and submitted to the qualified electors of said City a certain proposal designated as Proposition 1 for adoption of the proposed new Charter of said City, to be voted upon by said qualified electors at a special municipal election called and held for that purpose in said City on the 14th day of April, 1969. That said special election was duly and regularly called, authorized and provided for by said Council of the City of Visalia by said aforementioned Resolution No. 697, and that by said Resolution said Council consolidated said special municipal election with the General Election held in said City on the 14th day of April, 1969.

That said consolidated special municipal election was duly and regularly held in said City as required by law and in accordance with Section 8 of Article XI of the Constitution of the State of California and Charter of the City of Visalia, and after due notice given and published, with the said General Election on the 14th day of April, 1969, which said day was not less than forty nor more than sixty days after the completion of the publication of the aforementioned proposed new Charter in the Visalia Times-Delta, the official newspaper of said City.

That such proposed new Charter was published on the 21st day of February, 1969 in the Visalia Times-Delta, a daily newspaper of general circulation published in said City of Visalia and the official newspaper of said City.

That the Council of said City framed synopsis of said proposed new Charter and on February 21 and 26, 1969 caused a notice containing said synopsis to be published in the Visalia Times-Delta, a newspaper of general circulation published and circulated daily in the City.

That the Council of said City provided for the submission, selection and printing of arguments for and against said Proposition; that no arguments against said Proposition were received; that a copy of an argument for said Proposition was mailed and distributed by the City Clerk of the City of Visalia to each voter of the City of Visalia in connection with the sample ballots.

That as to said proposed new Charter of the City of Visalia, hereinafter set forth, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith, and that Section 8 of Article XI of the Constitution of the State of California, the Charter of the City of Visalia and all other provisions of law applicable thereto have been fully conformed to and complied with.

That in accordance with the provisions of law applicable thereto, the Council of the City of Visalia did duly and regularly canvass the votes cast at said consolidated election, and at said special municipal election, and did determine the result of said special municipal election to be that a majority of the qualified electors of said City voting on the proposed new Charter hereinafter set forth and designated as Proposition 1 had voted for and adopted said Proposition 1.

That the proposed new Charter of the City of Visalia which was so ratified by a majority of the electors of said City, is in words and figures as follows:

Proposed New Charter of the City of Visalia

Article I.

Section 1. The territory of the City of Visalia shall be that contained within its present boundaries as now established with the power and authority to change the same in the manner provided by law.

Article II.

Section 1. The City of Visalia, as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, hold, possess, use, lease, control, and in every way succeed to and become the owner of all rights and all property of every kind and nature by said existing municipal corporation owned, controlled, possessed, or claimed, and shall be subject to all the debts, obligations, liabilities, dues and duties of said existing corporation.

Article III.
Powers of City.

Section 1. The City of Visalia, a municipal corporation, shall after the adoption of this charter, continue its existence as such municipal corporation, and under the corporate name, City of Visalia, shall have, possess, and exercise all powers and rights vested in said City of Visalia, under this charter, and the Constitution of California and the laws of the state, and all powers which a municipal corporation may lawfully possess or exercise under the Constitution of this State. The City of Visalia shall have the right and power to make and enforce all laws and regulations in respect to municipal affairs, subjected only to the restrictions and limitations provided in this charter; provided that nothing herein shall be construed to prevent or restrict the City from exercising or consenting to, and the City is hereby authorized to exercise any and all rights, powers and privileges heretofore or hereafter granted or prescribed by the general laws of the State; provided also, that where the general laws of the State provide a procedure for the carrying out and enforcement of any rights or powers belonging to the City, said procedure shall control and be followed unless a different procedure shall have been provided in this charter or by ordinance

Section 2. Without in any way or to any extent limiting or curtailing the powers hereinbefore conferred or mentioned, and for the purpose only of removing all doubt concerning the exercise of powers hereinafter expressly mentioned, the City of Visalia shall have power:

1. To have and use a corporate seal;

2. To sue or be sued in all courts in all actions and proceedings;

3. To levy and collect taxes, and to levy and collect license taxes for both regulation and revenue;

4. To borrow money, incur municipal indebtedness, and issue bonds or other evidence of such indebtedness:

5. To acquire by purchase, bequest, devise, gift, condemnation or other manner sanctioned by law, within and without the limits of said City, property of every kind and nature for all purposes;

6. To acquire by said means and to establish, maintain, equip, own and operate, either within or outside of the City, telephone and telegraph systems, street railways, or other means of transportation, warehouses, free markets, waterworks, filtration plants, gas works, electric light, heat and power works, underground or overhead conduit systems or any other works necessary to a public utility; and to join with any other city or cities or county in the acquisition, construction and maintenance of same;

7. To improve the streams and channels flowing through the City or adjoining the same, to widen, straighten and deepen

the channels thereof, and remove obstructions therefrom, to construct and maintain embankment and other works to protect the City from overflow and storm waters;

8. To furnish the City or its inhabitants or persons without the City, any public utility service or commodity whatsoever;

9. To lease, sell, convey and dispose of any and all property herein mentioned for the common benefit;

10. To acquire, construct, operate and maintain parks, playgrounds, markets, baths, public halls, auditoriums, libraries, museums, art galleries, gymnasiums, and any and all buildings, establishments, institutions, and places whether situated inside or outside of the City limits, which are necessary or convenient for the transaction of public business or for promoting the health, morals, education, care of the indigent or welfare of the inhabitants of the City or for their amusement, recreation, entertainment, or benefit;

11. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste, to construct, own, maintain and operate incinerating or garbage reduction plants, and to join with any other city or cities or county in the acquisition, construction and maintenance of any such works or plant;

12. To define and abate nuisances;

13. To provide for the care of the indigent;

14. To establish boulevards and regulate traffic thereon;

15. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

16. To grant permits to use the streets or public property revocable at any time without notice;

17. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit, or license heretofore or hereafter granted by the City, or other authority, provided, that the same is not inconsistent with the Constitution of the State of California;

18. To receive devises, bequests, gifts and donations of all kinds of property, in fee simple, or in trust, for charitable or other purposes and to do all acts necessary to carry out the purposes of such devises, bequests, gifts and donations with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the devise, bequest, gift or donation or absolutely in case such devise, bequest or trust be unconditional;

19. To regulate and limit the height and bulk of buildings hereafter erected, and to regulate and determine the area of yards, courts and other open spaces and for said purpose to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire and other dangers, and to promote the public

health and welfare, including, so far as conditions may permit, provisions for adequate light, air and convenience of access, and shall be made with reasonable regard to the character of the buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote the public health, safety and welfare;

20. To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses, and for said purposes to divide the City into districts and to specify for each such district the trades and industries which shall be excluded or subjected to special regulations and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and welfare and shall be made with reasonable consideration, among other things, to the character of the district and to its peculiar suitability for particular uses.

Article IV.

Officers, Deputies and Employees and Their Compensation

Section 1. The officers of the City of Visalia shall be five members of the Council, seven members of the Board of Education, five Library Trustees, a City Manager, a City Clerk, and a City Attorney. The Council may also provide by ordinance for additional offices and for the duties thereof, and for additional duties of officers herein provided for, but in no such manner as to encroach upon the duties of any officer as provided for by this charter. The Council may also provide by ordinance for such subordinate officers, assistants, deputies, clerks and employees in the several offices and departments as they deem necessary. The members of the Council and the members of the Board of Education shall be elected from the city at large, as provided in this charter; provided, however, that all qualified electors of the Visalia Unified School District shall also have the right to vote for members of the Board of Education. All other officers, assistants, deputies, clerks and employees shall be appointed as provided in this charter, or as the Council may provide by ordinance in case no provision for their appointment is herein made, and shall hold their respective offices or positions at the pleasure of the appointing power. Where the appointment of any of said officers, assistants, deputies, clerks or employees, is vested in the Council, the Board of Library Trustees, or any Commission, such appointment and any removal must be made by a three-fifths vote of the members of the appointing power.

Section 2. All elective officers of the city shall be subject to recall as provided in this charter.

Section 3. All officers, assistants, deputies, clerks and employees shall receive such compensation as the Council may from time to time determine by resolution, except, that the members of the Council while sitting as a Board of Equaliza-

tion shall be paid $10.00 per day, for each day actually served; provided, however, that the compensation of elective officers, not otherwise fixed by this Charter, shall be fixed and determined by ordinance only.

Section 4. The Council shall not appoint to a salaried position under the City government any person who is a relative by blood or marriage within the second degree of any one or more of the members of such Council and neither shall any department head or other officer having appointive power appoint any relative within such degree to any such position.

Article V.
Elections.

Section 1. General municipal elections, after the effective date of this Charter, for the election of officers and for such other purposes as the council may prescribe shall be held biennially on the third Tuesday in April of each odd-numbered year. All other municipal elections that may be held by authority of this charter, or of the general law, shall be known as special municipal elections.

Section 2. Calling for Elections: The Council shall by ordinance order the holding of all elections. Such ordinance shall establish precincts for the holding of such election, either by adopting or consolidating precincts established for holding general elections or by setting forth their boundaries, and shall specify the objects and time for holding such elections, and the number and names of the officers of election and the polling place for each voting precinct. The number of election officers at each precinct shall not exceed six, at least three of whom shall be present at all times during the election. Said ordinance shall be published once a week in the official newspaper for two weeks before the time appointed for holding the election, and no other notice thereof need be given.

Section 3. Filing the Returns: The returns of each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the Council. On the first Monday after any election, and at the usual hour and place of meeting the Council shall meet and canvass the returns and declare the result. After having been canvassed the returns shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of competent jurisdiction.

Section 4. Notifying the Successful Candidates: After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and deliver the same personally or by mail to the person elected.

Section 5. Provisions of State Law to Apply: The Council may, by ordinance, make further provisions as to the manner of holding and conducting elections. The provisions of the laws of the State of California relating to municipal elections,

the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this charter, or by such ordinance; provided, that no primary elections shall be held.

Section 6. Terms of Elective Officers: Elective officers shall hold office for a period of four years from and after 8 o'clock p.m. of the fourth Monday in April following the day of election, and until their successors are elected and qualified: provided further that any person elected to fill a vacancy shall serve for the remainder of the unexpired term. In the election of councilmen and members of the Board of Education, where full terms and one or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms and the persons receiving the next highest vote shall be elected for the unexpired term or terms, as the case may be.

Article VI.
Legislative. The Council. Powers and Duties.

Section 1. The legislative power of the City of Visalia shall be vested in the people through the initiative and referendum, and in a body to be designated The Council. Each candidate for member of the Council shall have been an elector of the city for at least three years next preceding the date of the election at which he is a candidate.

Section 2. Meetings: The Council shall meet in the Council Chambers at the City Hall in regular session on the fourth Monday in April following their election at 8 p.m., and shall organize as herein required. Thereafter the Council shall meet at such times as has been or may be prescribed by ordinance or resolution, except that it shall meet regularly at least once each month. All of the meetings of the Council shall be held in the City Hall, unless, by reason of fire, flood or other disaster, said City Hall cannot be used for that purpose, and all meetings shall be open to the public. Special meetings may be called by the Mayor, by two members of the Council, or by the City Manager, but notice of every such meeting must be served personally upon every member not joining in the call, and upon the City Manager, if not called by him, or left at the place of residence or of business of each person to be so served, not less than two hours before the time of such special meeting.

Such notice must state the subject or subjects to be considered or acted upon and must state the time of such meeting. All meetings of the Council and all records thereof, shall be open to the public, and no citizen shall be denied the right personally, or through counsel, to present grievance, or offer suggestions for the betterment of municipal affairs.

Section 3. Quorum: Three members of the Council shall constitute a quorum, but a less number may adjourn from time to time. No franchise shall be granted, ordinance passed, budget adopted, supplemented or amended, appropriation made, or payment of money ordered unless three members of the Council concur in such action.

Section 4. General Powers of the Council: Subject to the provisions and restrictions in this charter contained, and the valid delegation by this charter of any powers to any person, officer, board or committee, which delegation of power, if any, shall control, the Council shall have the power, in the name of the City, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the Constitution of the State or which now or hereafter it would be competent for this charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of, the foregoing general grant of powers.

Section 5. Certain Powers and Duties enumerated: The Council shall—

1. Judge of the qualifications of its members and of election returns;

2. Establish rules for its proceedings;

3. Cause a correct record of its proceedings to be kept. The ayes and noes shall on demand of any member, be taken and entered therein, and they shall be recorded on all votes passing any ordinance or appointing or dismissing or confirming the appointment or dismissal of any officer, or authorizing the execution of contracts, or the appropriation or payment of money.

4. Choose one of its members as presiding officer, to be called Mayor. The Mayor shall preside over the sessions of the Council, shall sign official documents when the signature of the Council or Mayor is required by law, and he shall act as the official head of the city on public and ceremonial occasions. He shall have power to administer oaths and affirmations. When the Mayor is absent from any meeting of the Council, the members of the Council may choose another member to act as Mayor pro tem, and he shall for the time being, have the powers of the Mayor.

5. Appoint a City Attorney, a City Manager, a City Clerk, and five Library Trustees.

Section 6. Ordinance: The enacting clause of every ordinance passed by the Council shall be: "Be it ordained by the Council of the City of Visalia." The enacting clause of every ordinance initiated by the people shall be: "Be it ordained by the people of the City of Visalia." At least five days must elapse between the introduction and the final passage of any ordinance; provided, that amendments germane to the subject of any proposed ordinance may be made when it is brought

up for final passage; and provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire, or earthquake requiring immediate action on the part of any public authority, an emergency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting Every ordinance must be signed by the Mayor, attested by the Clerk and the ordinance or a brief summary thereof published once in the official newspaper. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

Section 7. When Ordinances go into Effect: Except as otherwise provided in this charter every ordinance, and every measure passed by the Council granting any franchise or privilege, shall go into effect at the expiration of thirty days after its final passage, unless otherwise provided in said ordinance or measure; provided, however, that no such ordinance or measure shall go into effect in less than thirty days from its final passage. But ordinances declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health, or safety, containing a statement of the reasons for their urgency and passed by a four-fifths vote of the whole Council, ordinances ordering or otherwise relating to annexations, elections, and ordinances relating to public improvements, the cost of which is to be borne wholly or in part by special assessments, may go into effect at the will of the Council.

Section 8. Amending Ordinances: No ordinance shall be amended by reference to its title, but the sections thereof to be amended, shall be re-enacted at length as amended; and any amendment passed contrary to the provisions of this section shall be void, except the City Council may adopt and amend any standard code of technical regulations by reference thereto without the necessity of publishing said ordinances in their entirety as required by this Charter; providing, however, that three (3) copies of the specific Codes to be adopted by reference are available for inspection in the City Clerk's office between the introduction and passage of said ordinance.

Section 9. Codification of Ordinances: Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordi-

nances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring, or other subject which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this section.

Section 10. Contracts: In the erection, improvement, and repairing of all public buildings and works, in all street and sewer work, the installation of pipes, fire hydrants, wells, pumping plants, conduits, electric transmission lines, sub-stations, power plants, gas mains and generators, improvements and development of parks and playgrounds, and works for protection against overflow, and in furnishing any supplies, or materials for the same, when the expenditures required for the same shall exceed the amount specifically set by the State of California, from time to time covering the requirement of formal bids, the same shall be done by contract, and shall be let to the lowest responsible bidder, after notice by publication in the official newspaper by one or more insertions, the first of which shall be at least seven days before the time for opening bids; provided, that the Council may reject any and all bids presented and may re-advertise in their discretion; and provided further, that after rejecting bids, or if no bids are received, the Council may declare and determine that in its opinion the work in question may be performed better or more economically by day labor, or the materials or supplies purchased at a lower price in the open market and after the adoption of a resolution to this effect by a four-fifths vote, they may proceed to have the said work done or materials or supplies purchased without further observance of the foregoing provisions of this section; provided further, that nothing in this section shall require the care, repair or maintenance of streets or public utilities to be let by contract

Section 11. Power to do Public Work Direct: The Council shall have the power to provide by ordinance a complete procedure whereby the City may bid on all public work done under the provisions of any local improvement ordinance or resolution. Said ordinance shall provide the procedure whereby the City shall perform such public work for which the City may be the lowest bidder. A revolving fund may be created by bond issue for the purpose of financing the cost of such public work.

Section 12. Advertising: All official advertising of the City shall be done in a newspaper of general circulation as defined by the laws of the State of California, which newspaper shall be published in the City of Visalia, and shall be designated by the Council as the official newspaper. The Council shall annually call for bids for such advertising, and a contract

therefor shall be awarded to the lowest responsible bidder; provided, that the Council may reject all bids and may again call for bids; and provided further that no defect or irregularity in proceedings taken under this section, or failure of the Council to designate an official newspaper, shall invalidate any publication, where the same is otherwise in conformity to law or this charter.

Section 13. Councilmen Ineligible to Other City Positions: No member of the Council shall be eligible to any office or employment provided for in this charter except an elective office, during the term for which he was elected.

Section 14. Vacancies in the Council: Any member of the Council who is absent from all meetings thereof for two consecutive months, unless excused by the Council, shall forfeit his office. Any vacancies occurring in the Council may be filled by a person appointed by a majority vote of the whole Council. Said person appointed shall serve until his successor is elected and qualified. Such successor shall be elected at the next regular election at which members of the Council are chosen, provided there is sufficient time to nominate and elect such successor at said next regular election.

Section 15. Committees of Council. The Council shall appoint such standing and other committees as it deems necessary.

Section 16. Sale or Lease of City Property: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members and no lease shall be made for a period of longer than five years, except by ordinance adopted by the Council.

Section 17. Independent Audit: the Council shall employ, at the beginning of each fiscal year, an independent certified public accountant who, at such time or times as may be specified by the Council, at least annually, shall examine the books, records, inventories, and reports of all officers and employees who receive, handle or disburse public funds and all such other officers and employees and departments as the Council may direct. As soon as practicable after the end of the fiscal year, a final audit and report shall be submitted by such accountant to the Council, one copy thereof to be distributed to each member, one to the Fiscal Officer, one to the City Manager and one to the City Attorney respectively, and three (3) additional copies to be placed on file in the office of the City Clerk, where they shall be available for inspection by the general public.

Section 18. Official Bonds: The Council shall fix by ordinance the amounts and terms of the official bonds of all officials or employees who are required by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City.

There shall be no personal liability upon, or any right to recover against, a superior officer, or his bond, for any wrongful act or omission of his subordinate, unless such superior officer was a party to, or conspired in such wrongful act or omission.

Section 19. Every officer of the City, before entering upon the duties of his office, shall take and file with the City Clerk the constitutional oath of office, except that the oath of the City Clerk shall be filed with the Fiscal Officer.

Section 20. City Clerk: The City Clerk shall keep, under the direction of the Council, a full and true record in a book, of all proceedings of the Council and of the Board of Equalization. He shall keep a book, marked "Ordinances," in which he shall copy all ordinances, with his certificate annexed to said copy, stating that it is a full and true record thereof, and that such ordinance has been duly published. Said record copy, with such certificate shall be prima facie evidence of the contents of such ordinances and of the passage and publication thereof. The Clerk shall also keep an index to the minutes of the Council and to said Ordinance Book. The City Clerk shall be the custodian of the City Seal and shall affix the same to all official certificates made by him and to other papers when directed by the Council to attest or execute the same. He shall have power to administer oaths and affirmations, to take affidavits, and to certify the same. He shall have such other powers and perform such other duties as may be provided by this charter or by ordinance.

Article VII.
City Attorney

Section 1. The City Attorney shall be a qualified elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least three years next before his appointment.

Section 2. It shall be his duty when directed by the Council to prosecute on behalf of the people, all criminal cases for violations of this charter and of City Ordinances, and to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall be in attendance at every meeting of the Council, unless excused therefrom by the Mayor or the Council. He shall give his advice or opinion in writing whenever required by the Council or other officers, except the Board of Education. He shall be the legal advisor of all City officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Council, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all such things touching his

office as the Council may require of him, and at the expiration of his term shall surrender to his successor all books, papers and documents pertaining to the City's business.

Section 3. He shall receive as compensation a salary to be fixed by resolution, and in case the Council shall require him to devote all of his time to the duties of his office, he shall receive in addition thereto, such reasonable fees as the Council may allow for suits or proceedings before any court or commission in which he has been directed by the Council to act or appear.

Section 4. The Council shall have power to direct and control the prosecution and defense of all suits and proceedings to which the city is a party or in which it is interested, and may employ counsel to assist the City Attorney therein.

Article VIII.
City Manager

Section 1. The City Manager need not be a resident of the State of California at the time of his appointment. His powers and duties shall be:

1. To see that all ordinances of the City are enforced;

2. To appoint, except as otherwise provided in this charter, all officers, heads of departments or divisions, and all deputies, assistants and employees in the several departments and offices, and to remove same. Appointment and removal of department heads shall be subject to the approval of the Council and shall not be effective without such approval;

3. To keep the Council fully informed as to compliance with the law in the operation of public utilities, to see that the provisions of franchises, permits and privileges granted by the City are fully observed, and to report to the Council any violation thereof;

4. To attend all meetings of the Council unless excused therefrom by the Council or by the Mayor;

5. To act as purchasing agent for all departments of the City. Provided, however, that he may designate some officer or employee of the City to act as assistant purchasing agent, and perform the duties of the purchasing agent;

6. To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the city government, except of the Council and Board of Education;

7. To keep the Council advised as to the needs of the City;

8. To appoint and remove at his pleasure, a secretary;

9. To prepare, or cause to be prepared, plans and specifications for work which the Council may order, coming under his supervision;

10. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the City;

11. To devote his entire time to the discharge of his official duties;

12. To perform such other duties as may be required by this charter or as the Council may require of him.

Section 2. In case of absence, sickness, or other disability of the City Manager to act, the Council may designate some other person to perform his duties during such disability.

Article IX.
Fiscal Administration

Section 1. Indebtedness: No indebtedness shall be incurred on behalf of the city, for any purpose, unless and until the same shall have been authorized by ordinance, resolution or order of the Council.

Section 2. Fiscal Officer: A Fiscal Officer shall be appointed by the City Manager subject to the approval of the City Council, and the City Manager shall establish the qualifications, duties and functions of such Fiscal Officer.

Section 3. Demands Against the City: Moneys shall be drawn from the City Treasury only in the manner prescribed by ordinance of the Council.

Section 4. Filing of Claims: Except as otherwise provided by the provisions of State law applicable to chartered cities, claims against the City shall be filed as prescribed by ordinance.

Section 5. The Fiscal Year: The fiscal year of the city shall commence upon the first day of July of each year, or at such other time as may be fixed by ordinance.

Section 6. Annual budget: On such date in each year as shall be fixed by the Council, the City Manager shall send to the Council a careful estimate, in writing, of the amounts required for the business and proper conduct of the various departments, offices, boards and commissions of the city, over which he has control, during the next ensuing year. The City Manager shall also at said time submit to the Council an estimate of the amount of income from fines, licenses, and other sources of revenue, exclusive of taxes upon property, and the probable amount required to be levied and raised by taxation.

Section 7. Public Hearing on the Budget: After reviewing the proposed budget as submitted by the City Manager and making such revisions as it may deem advisable, the Council shall determine the time for holding of a public hearing upon, and shall cause a notice thereof to be published not less than ten (10) days prior to said hearing by at least one insertion in the official newspaper of the city.

Copies of the proposed budget shall be available for inspection by the public at the office of the City Clerk at least ten (10) days prior to said hearing.

At the time so advertised or at any time such public hearing from time to time be adjourned, the Council shall hold a public

hearing on the proposed budget at which interested persons desiring to be heard shall be given such opportunity.

Section 8. Adoption of the Budget: After the conclusion of the public hearing the Council shall further consider the proposed budget and make any revisions thereof that it may deem advisable and thereafter it shall adopt the budget with revisions, if any. Upon final adoption, the budget shall be in effect for the ensuing fiscal year.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the various departments or activities therein described. All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been expended or lawfully encumbered.

At any meeting after the adoption of the budget, the Council may amend or supplement the budget by motion.

Section 9. Tax System: The Council shall by ordinance provide a system for the assessment, levy and collection of City taxes upon property.

Section 10. The Council shall have power by ordinance to authorize the transfer to and the assumption and discharge by officers of the County of Tulare, of any function of the City relating to the assessment of property for taxation, and equalization of such assessment, the collection of taxes levied for municipal purposes, the collection of assessments levied for local improvements, the sale of property for non-payment of taxes levied for municipal purposes or for non-payment of assessments levied for local improvements, and the redemption of property from sales for either of said purposes and may repeal any such ordinances.

Section 11. Tax Rate: The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized, as provided in this charter; and the proceeds of any such special tax shall be used for no other purpose than that specified for which it was voted; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for.

(a) Special Levies: Special levies in addition to the above may be made annually in amounts not to exceed the limits hereinafter enumerated in this section, respectively, on each $100 00 of the assessed value of the taxable property in the City:

(1) For the support and maintenance of free public libraries and reading rooms, Thirty Cents (30c).

(2) For the support and maintenance of parks, playgrounds and recreation centers, Thirty Cents (30c).

The City shall spend each fiscal period not less than the total amount raised each year from special levies for the free public

libraries and reading rooms, and the parks, playgrounds and recreation centers.

Section 12. Special Taxes and Bonds: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenue of the City, it may submit to the qualified voters at a regular or special election, a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

The proceedings for the voting and issuing of bonds of the City shall be had in such a manner and form and under such conditions as shall be provided from time to time by general law.

Section 13. Limit of Bonded Indebtedness: The bonded debt of the City shall at no time exceed a total of twenty per cent of the assessed valuation of all property taxable for City purposes.

Section 14. City Promotion: The Council may appropriate and spend money from the funds of the City for any or all of the following purposes: Reception and entertainment of public guests, assistance of public celebrations, fairs and exhibitions, to aid or carry on the work of immigration to the City, to encourage and promote industrial and commercial development and tourism; and generally, for the purpose of advertising the City; provided, however, that the aggregate expenditures from property taxes for all of said purposes shall not exceed in one fiscal year the sum of four (4c) cents on each One Hundred Dollars ($100.00) of the assessed value of property within the City.

Article X.
Department of Education.

Section 1. Board of Education: The control of the Public School Department of the City of Visalia, including the whole of the Visalia Unified School District, shall be vested in a Board of Education, which shall consist of seven members elected from the district at large.

Section 2. The powers and duties of the Board of Education shall be such as are prescribed by the Constitution and Laws of the State of California.

Article XI.
City Library

Section 1. Library Trustees: The Board of Library Trustees shall each serve for a term of four years and until his successor is appointed and qualified; provided, that at the first appointment under this charter, two trustees shall be appointed for two years, and three trustees for four years and

until their successors are appointed and qualified. In case of a vacancy the same shall be filled by appointment by the Council for the remainder of the term then vacant.

Section 2. The Board of Library Trustees shall have the power and duty to:

(a) Act in an advisory capacity to the Council and the City Manager in all matters pertaining to library administration.

(b) Formulate and recommend annually to the Council and the City Manager a budget for library services.

(c) Act in an advisory capacity to the Council and the City Manager regarding provision of library services for the inhabitants of the City.

Article XII.
Parks, Playgrounds and Recreation Centers

Section 1. The Council may, by ordinance, provide for the appointment of a commission of five members, to serve without compensation, and to act in an advisory capacity to the Council and City Manager in all matters pertaining to Parks, Playgrounds and Recreation Centers.

Article XIII.
City Planning

Section 1. Planning Commission: The Council may, by ordinance, provide for the appointment of a City Planning Commission of five members, to serve without compensation, and to have such powers and duties as the Council may prescribe relating to City Planning.

The Planning Commission shall have the power and duty to:

(a) Recommend to the Council, after a public hearing thereon, the adoption, amendment or repeal of a General Plan or any part thereof, for the physical development of the City;

(b) Exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by ordinance or resolution.

(c) Perform such other duties relating to planning and zoning as the Council may require by ordinance or resolution.

Article XIV.
Franchises

Section 1. Franchise, renewals, extensions or amendments of franchise may be granted by the City Council whenever, in its opinion, the public necessity or convenience may require any such grant. No such grant shall be exclusive, nor made except by ordinance, nor in violation of any limitation contained in this charter, nor for a longer term than fifty years. The enactment, publication and taking effect of any such ordinance shall be governed by and subject to the provisions of Article VI and Article XV of this charter; provided, that no such ordinance shall be passed as an emergency measure. No

public utility franchise shall be transferable except with the approval of the City Council expressed by ordinance; and copies of all transfers, trust deeds, mortgages or other documents affecting the title or use of public utilities shall be filed with the City Council within ten days after the execution thereof.

Section 2. Any person desiring any franchise or a renewal of any franchise, may file with the City Clerk a written application therefor, accompanied by a cash deposit of One Hundred ($100.00) Dollars, as a fund out of which to pay the expenses connected with such application, and proceedings had or taken thereunder. In the event the franchise or the renewal of franchise so applied for is not granted, the unexpended portion of said deposit, if any, shall be returned to the applicant; and if the franchise or the renewal of franchise applied for shall be awarded to some other than the applicant, such deposit shall be returned to the applicant. No franchise or any renewal of a franchise shall be finally awarded, until all expenses incurred in connection with the awarding of the same shall have been fully paid by the person to whom the same shall be awarded.

Section 3. Upon the filing of the said application and the making of the deposit, as aforesaid, the City Council shall, if it propose to grant the same, proceed to determine the character of the franchise or of the renewal franchise applied for, and shall determine the terms, restrictions, reservations, conditions, provisions, and the form of the ordinance to be adopted for the purpose of granting the same. And if such application be for the renewal of an existing franchise, the Council shall not be in any way limited or restricted in its determination of such terms, restrictions, reservations, conditions or provisions, by the provisions of the franchise sought to be renewed.

Section 4. The Council shall thereupon advertise the fact of said application, together with the statement that it proposes to grant the same in the form so determined, in one or more newspapers of general circulation published in the City of Visalia, once a day for five successive days, or as often during said period as such newspapers are published, and the full publication must be completed not less than twenty nor more than thirty days before any further action is taken thereon. Said advertisement must state the character of the franchise or of the renewal of franchise proposed, and set forth in full the form of the ordinance proposed for the granting of the same, and must state that sealed bids therefor will be received and opened at a time and place to be stated in said advertisement, and that the said franchise or renewal of franchise will be awarded to the highest and best bidder; provided that no franchise nor any renewal of any franchise shall be sold for less than $500.00.

Section 5. At the time of opening the sealed bids, any responsible person, firm or corporation may bid for said franchise

or renewal of franchise, a sum not less than ten per cent above the highest sealed bid therefor, and such bid so made may be raised, and such bidding may continue until finally said franchise or renewal of franchise shall be struck off, sold and awarded by the City Council to the person, firm or corporation offering the highest and best bid therefor; provided, that such bidder shall, before the making of such award deposit with the City Clerk at least ten per cent of the amount of his bid, and if such successful bidder be not the applicant, the sum of One Hundred ($100.00) Dollars in addition to his bid shall be deposited by him at the same time, and in the event of his failure to make such deposit or deposits, his bid shall be rejected and no further proceedings for the sale of said franchise, or renewal of franchise shall be had without readvertising in the manner hereinbefore provided; and in case the successful bidder shall fail to deposit with the Treasurer, the remaining ninety per centum of his bid within five days after its acceptance, the award of said franchise or renewal of franchise shall be set aside and all deposits theretofore made thereon shall be forfeited to the City, and no further proceedings for the sale of said franchise or renewal of franchise shall be had without readvertising in the manner hereinbefore provided.

Section 6. The successful bidder for any franchise or renewal of franchise sold or awarded under this charter, shall file a bond running to the City of Visalia, with at least two good and sufficient sureties or other good and sufficient bond provided by law, to be approved by the City Council, in a penal sum to be prescribed by the City Council and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term, condition and provision of such franchise or renewal of franchise, and that in case of any breach of condition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages and shall be recoverable from the principal and sureties upon said bond, or from any or either of them. Said bond shall be filed with the City Clerk within five days after such franchise, or renewal of franchise is awarded, and upon the filing and approval of such bond the said franchise or renewal of franchise shall be granted by the City Council by ordinance to the person, firm or corporation to whom it was struck off, sold and awarded. And in case the said bond shall not be so filed, the award of such franchise or renewal of franchise shall be set aside and any money paid therefor shall be forfeited to the City and said franchise or renewal of franchise may, in the discretion of the City Council, be readvertised and again offered for sale in the same manner and under the same restrictions as in this charter provided for the original application, advertisement and sale.

Section 7. No clause or condition of any kind shall be inserted in any franchise or renewal of franchise offered for sale

under the terms of this charter, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise or renewal of franchise offered for sale, which shall in any wise favor one person, firm or corporation as against another in bidding for the purchase thereof.

Section 8. Extensions and amendments of existing franchise may be granted by the City Council in the same manner and subject to the same limitation, restrictions and provisions as provided in this charter for the granting of franchises and renewals of franchises; provided that extensions or amendments of franchises shall not be advertised for sale, or sold, or awarded to the highest bidder, and the provision of this charter governing the advertising for sale, and the sale and award of franchises or renewals of franchises to the highest bidder, shall have no application to the granting of extensions or amendments of existing franchises.

Section 9. If any ordinance granting a franchise or a renewal, extension or amendment of any franchise shall fail to go into effect by reason of its not being approved by a majority of the votes cast at an election to which the same was referred by referendum proceedings as provided in this charter, such failure to go into effect shall not entitle the person to whom the grant of such franchise or renewal, extension or amendment of franchise was made, to claim a refund of any moneys paid or deposited by him as provided in this charter, on account of any of the proceedings had for the obtaining of such grant. But if any such ordinance shall be repealed by the City Council upon the filing of a referendum petition demanding its repeal, or a reference thereof to a vote of the electors of the city, without submitting it to such vote, all moneys paid or deposited by the grantee of such franchise renewal, extension or amendment of franchise as provided in this charter, in excess of the actual expenses of the proceedings for such grant, shall be refunded to such grantee.

Section 10 Any public utility franchise may be terminated by ordinance at specified intervals of not more than ten years after the beginning of operation, whenever the city shall determine to acquire by condemnation or otherwise, the property of such utility. Indeterminate franchise may also be granted, subject always to the right of the city at any time and upon six months' notice in writing to acquire and possess the property of the grantee.

Section 11. All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for nonuse, or for failure to begin construction within the time prescribed; (b) to require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency; (c) to

regulate the rates and charges of all public utilities; (d) to establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; (e) to prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility, and to require annual and other reports by each such public utility; provided, that if a public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the city is a part, the forms so prescribed shall be controlling so far as they go, but the City Council may prescribe more detailed forms for the utilities within its jurisdiction; (f) to impose such other regulations as may be conducive to the safety, welfare, and accomodation of the public.

Section 12. The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but any such property owner shall be entitled to recover from the owner of such public utility, the actual amount of damages to such property on account thereof, less any benefits received therefrom; provided, suit is commenced within two years after the damage is begun.

Section 13. All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter, and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in sections 10, 11 and 17 hereof.

Section 14. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in this Article, whether or not such terms are specifically mentioned in such franchise. Nothing in this charter shall operate to limit in any way, except as specifically stated, the discretion of the City Council or the electors of the city in imposing terms and conditions in connection with any franchise grant.

Section 15. Within six months after this charter takes effect, every public utility and every owner of a public utility franchise, shall file with the city, certified copies of all the franchises owned or claimed or under which any such utility is operated. The City shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the city.

Section 16. It shall be the duty of the City Manager to investigate and report on all proposed ordinances relating to public utilities. He shall exercise a diligent oversight over the operation of all public utilities operated within the city. The City Attorney shall represent the city in all proceedings before any State Public Utilities Commission involving the pub-

lic utilities within the city. The City Manager shall perform such other duties in relation to public utilities as may be prescribed by the City Council.

Section 17. Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned, the cost of all extensions, additions and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and in the case of city operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The City Council shall annually cause to be made and printed for public distribution, a report showing the financial results of such city ownership or ownership and operation, which report shall give the information specified in this section and such other information as the City Council shall deem expedient.

Section 18. The city may establish, acquire, lease and operate, or cease to operate and dispose of public utilities and quasi public utilities at its own option in the manner provided by the laws now existing or hereafter enacted, or by the majority vote of the registered, qualified electors of the city in the manner provided by ordinance enacted by the City Council by the affirmative vote of four members of such Council. All amendments of such ordinances shall require a like vote. In such ordinances the City Council may define what are public utilities and quasi public utilities.

Section 19. In acquiring public utilities and quasi public utilities the city may purchase the same subject to existing bond issues and other obligations thereof, whether secured by mortgages or trust deeds against the property of such utilities or not, and may assume and pay such obligations as part of the purchase price.

Article XV.
Initiative, Referendum and Recall

Section 1. The Initiative, Referendum and Recall: Except insofar as is otherwise provided by ordinances hereinafter enacted, the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, governing the initiative, the referendum and the recall of municipal officers shall apply to the use thereof in the City insofar as the same are not in conflict with this Charter.

Article XVI.
Miscellaneous Provisions

Section 1. Notwithstanding anything in this charter contained, the City Manager may from time to time, in order to facilitate the prompt, economical and efficient dispatch of City business, assign assistants, deputies, clerks or employees from any office or department of the City government to perform work or service in connection with any other office or department of the City government or may assign any assistant, deputy, clerk or employee of the city to work in more than one of said offices or departments.

Section 2. All general laws of the State applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions adopted in pursuance of this charter, shall be applicable to the City.

Section 3. Wherever in this charter the word "City" occurs, it means the City of Visalia, and every department, board or officer whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Visalia.

Section 4. The compensation of elective officers shall not be increased during the terms of their respective offices.

Section 5. If any officer of the City shall die or remove from the City, or absent himself therefrom for more than thirty days consecutively, without the permission of the Council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign or be removed from office, or if his election shall be finally declared void by any competent tribunal, or if he shall be convicted of a felony, or if he shall be adjudged insane, or if he shall cease to discharge the duties of his office (other than that of member of the Council) for two consecutive months, unless prevented by sickness, his office shall become vacant.

Section 6. The improvement, widening and opening of streets, the planting of trees, and the making of any other public improvement may be done and assessments therefor may be levied in conformity with and under the authority conferred by general laws; provided, however, that the Council may by ordinance adopt a procedure for the improvement of streets, alleys or other public places, the laying of pipes, or conduits or for the removal of dirt, rubbish, weeds and other rank growths and materials which may injure or endanger neighboring property or the health or the welfare of inhabitants of the vicinity, from buildings, lots and grounds and the sidewalks opposite thereto, and for making and enforcing assessments against property benefited or affected thereby or from which such removal is made, for the cost of such improvements or

removal and may make such assessments a lien on such property superior to all other claims or liens thereon, except State, County and Municipal taxes, but no such ordinance shall prevent the Council from proceeding under general laws for said purposes.

Section 7. All officers and boards shall deliver to their successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments in their possession or under their control

Section 8. No member of the Council or of any board and no officer or employee of the City, shall be or become interested in any contract for which bids are or may be required for the furnishing of labor or materials to or for the City, nor shall either or any of them receive any gratuity or advantage from any contract or from the contractor furnishing any labor or material under any contract, the cost or consideration of which is payable from the City Treasury. Any such contract with the City in which any such officer or employee is or becomes interested shall be declared void by the Council.

Section 9. All officers, clerks and assistants of the City and departments thereof, except such as may be employed for special purposes must be citizens of the United States during their period of employment.

Section 10. No officer or employee of the City shall give or promise to give to any person, any portion of his compensation, or any money or thing of value in consideration of having been or of being nominated, appointed, voted for or elected to any office or employment.

Section 11. No officer or employee shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly from any subordinate or employee, or from anyone under his charge, or from any candidate or applicant for any position as employee or subordinate in any department of the City.

Section 12. No officer or employee of the City shall aid or assist a bidder in securing a contract to furnish labor, or materials or supplies at a higher price or rate than that proposed by any other responsible bidder, or shall favor one bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Section 13. Every officer who shall willfully approve, allow or pay any demand on the Treasury, not authorized by law, shall be liable to the City individually and his official bond for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the City.

Section 14. All books and records of every office and department shall be open to the inspection of any citizen during business hours subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the Police Department shall not be subject to such inspection except by permission of the proper police authorities.

Section 15. Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying the costs of reproduction thereof.

Section 16. All officers, assistants and employees in office, when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors.

Section 17. The present City Council, in accordance with Article V of this Charter shall provide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof.

Section 18. All vested rights of the City shall continue and shall not in any manner be affected by its adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the City or for its benefit prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Section 19. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section, or part of a section, is dependent for its operation upon the section or part of a section so held invalid.

Section. 20 When making purchases for all departments of the City, local merchants shall be given the preference, quality and prices being equal.

Section 21. Neither the City Manager nor any person in the employ of the City shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Section 22. All the powers of the City except as otherwise provided by this charter, are hereby vested in the Council.

Section 23. The violation of any provision of this Charter or of any ordinance of the City shall be deemed a misdemeanor, and may be prosecuted by the authorities of the City in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. The

maximum penalty upon conviction for the violation of any provision of this Charter, or of any ordinance of the City, shall be by a fine of not exceeding $1000 or by imprisonment for a term of not exceeding one year or by both such fine and imprisonment. Any person sentenced to imprisonment for the violation of a provision of this Charter or of any ordinance may be imprisoned in the City jail, or, if the Council by ordinance shall so prescribe, in the county jail of the county in which the City of Visalia is situated, or any road camp established in Tulare County, in which case the expense of such imprisonment shall be a charge in favor of such county against the City of Visalia.

Section 24. The members of the City Council and Board of Education in office at the time of the approval of this Charter by the Legislature shall continue to hold office and discharge their duties for the balance of the term for which they were elected, or until their successors are elected and qualified All appointive officials, officers and employees of the City now in office or employed at the time of the approval of this Charter by the Legislature, shall continue to hold their office or employment until they are reappointed or their successors are appointed in their place in accordance with the provisions of this Charter.

Section 25 For the purpose of electing all elective officers and all other purposes, this charter shall take effect from the time of its approval by the Legislature.

In witness whereof, we have hereunto set our hands and hereto affixed the seal of said City of Visalia this 1st day of May, 1969.

(SEAL)

EDMUND L. VOLLMER
Mayor of the City of Visalia
JEAN S. BANKS
City Clerk of the City of Visalia

and

WHEREAS, The proposed revision of the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the revision of the Charter of the City of Visalia, County of Tulare, as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as a revision of the Charter of the City of Visalia, County of Tulare.

RESOLUTION CHAPTER 199

Assembly Concurrent Resolution No. 179—Approving certain amendments to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, voted for and ratified by the qualified electors of said city at a special municipal election consolidated with the general municipal election held therein on April 15, 1969.

[Filed with Secretary of State June 12, 1969]

WHEREAS, Proceedings have been duly and regularly taken and had for the adoption and ratification of two amendments, hereinafter set forth, to the Charter of the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, and set out in the certificate of the mayor and city clerk of said city as follows:

CERTIFICATE OF RATIFICATION OF TWO CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SANTA BARBARA

State of California
County of Santa Barbara } ss.
City of Santa Barbara

We, the undersigned, Gerald S. Firestone, Mayor of the City of Santa Barbara, and Robert W. Hutton, City Clerk of said City, do hereby certify and declare as follows:

That the City of Santa Barbara, a municipal corporation in the County of Santa Barbara, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of said City, being the legislative body thereof, duly and regularly submitted to the qualified electors of said City two proposals for the amendment of the Charter of said City at a special municipal election consolidated with the general municipal election duly and regularly called and held for that purpose in the City of Santa Barbara on the 15th day of April, 1969, said charter amendments being herein designated as Charter Amendment No. 1 and Charter Amendment No. 2.

That on the 6th and 7th days of March, 1969, said Council caused said proposed Charter amendments to be duly and regularly published and advertised in each and every edition of said 6th and 7th days of March, 1969, in the Santa Barbara News-Press, a daily newspaper of general circulation, printed, published and circulated in said City, there being no official paper of said City.

That said Council caused copies of said proposed Charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point and caused copies thereof to be mailed to each of the qualified electors of said City.

That said Council, until the day fixed for the election upon said proposed Charter amendments, did advertise in said Santa Barbara News-Press, a daily newspaper of general circulation in said City, a notice that copies thereof might be had upon application therefor; that copies of said proposed Charter amendments could be had upon application therefor at the office of the City Clerk of said City up to and including the day fixed for said special municipal election.

That said special municipal election consolidated with a general municipal election was duly and regularly held in said City on the 15th day of April, 1969, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter amendments and the returns of said special election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified electors voting thereon voted in favor of and did ratify said Charter amendments hereinafter specifically set forth.

That said amendments to the Charter of said City so ratified by the voters of said City are as follows, to wit:

Charter Amendment No. 1:

That Section 512 of Article V of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 512. Ordinances, Enactment, Publication. In addition to such other acts of the City Council as are required by this Charter to be taken by ordinance, every act of the City Council establishing a fine or other penalty, or granting a franchise, shall be by ordinance.

"The enacting clause of all ordinances shall be substantially as follows: 'The City Council of the City of Santa Barbara does ordain as follows'.

"The City Clerk shall cause each ordinance to be published at least once in the official newspaper within fifteen days after its adoption; provided, that the Council, in lieu of such publication, in its discretion may order any ordinance published by title only in the official newspaper within fifteen days after its adoption, and providing that the full text be available to the public at the City Clerk's office, and such publication by title only shall so state."

Charter Amendment No. 2:

That Section 1302 of Article XIII of the Charter of the City of Santa Barbara be amended to read as follows:

"Section 1302. Procedure for Holding Elections. All elections shall be held in accordance with the provisions of the

Elections Code of the State of California, as the same now exist or hereafter may be amended, for the holding of municipal elections so far as the same are not in conflict with this Charter. The City Council may by ordinance supplement the provisions of said Elections Code insofar as the same are not in conflict therewith."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said City and find and certify that they are full, true and correct copies thereof.

In witness whereof, we have hereunto set our hands and caused the seal of said City of Santa Barbara to be affixed hereto this 5th day of May, 1969.

(SEAL)

GERALD S. FIRESTONE
Gerald S. Firestone, Mayor of the City of Santa Barbara, California

ROBERT W. HUTTON
Robert W. Hutton, City Clerk of the City of Santa Barbara, California

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of Santa Barbara, County of Santa Barbara, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of Santa Barbara, County of Santa Barbara.

RESOLUTION CHAPTER 200

Assembly Joint Resolution No. 42—Relative to the retention of judge advocates and law specialist officers for the armed forces.

[Filed with Secretary of State June 16, 1969.]

WHEREAS, There was introduced on January 28, 1969, H.R. 4296 by Congressman Alexander Pirnie of New York, designed to amend Title 37, United States Code, to provide for

the procurement and retention of judge advocates and law specialist officers for the armed forces and the measure is now pending before the House Committee on Armed Services; and

WHEREAS, H.R. 4296 is designed to amend Title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the armed forces by making provision for special or incentive pay for judge advocates of the Army, Navy, Air Force and Marine Corps and for law specialists of the Coast Guard who extend their periods of service on active duty by the execution of written agreements to remain on active duty for a period of at least three (3) years; and

WHEREAS, At the present time, similar incentive pay is paid by the armed forces to doctors, dentists, and veterinarians; and

WHEREAS, The retention rate of legal officers by the armed services is now dangerously low and the trend to deterioration should be stopped by early action intended to make legal careers with the armed forces more financially acceptable; and

WHEREAS, The Military Justice Act of 1968 has extended to service personnel the right-to-counsel safeguards which the United States Supreme Court in recent years has granted to criminal defendants in the civil courts, and the same law requires the services to provide qualified and experienced lawyers as military judges in trials by special and by general courts-martial and the four services estimate that they will need approximately 700 additional military lawyers in order to meet the requirements of the statute; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact early appropriate legislation approving the subject matter and the contents of H.R. 4296; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chairman of the House Committee on Armed Services, to the Chairman of the Senate Committee on Armed Services, to the author of H.R. 4296, to the Secretary of Defense, and to the Executive Secretary, Judge Advocates Association.

RESOLUTION CHAPTER 201

Assembly Joint Resolution No. 44—Relative to the equalization of the compensation of retired members of the uniformed forces.

[Filed with Secretary of State June 16, 1969.]

WHEREAS, Compensation for retirees of the uniformed services of the United States has normally been computed upon active duty rates in accordance with permanent statutory law set out in Title 10 of the United States Code; and

WHEREAS, Persons now retired from the uniformed services, with very few exceptions, entered the service while that law was in effect and served their entire active career, or the greater portion of it, under that system; and

WHEREAS, The Military Pay Act of 1958, P.L. 85-422, temporarily suspended the operation of that law, without removing it from the statutes, thus denying the earned pay raise to retirees then on the rolls; and

WHEREAS, The Uniformed Services Pay Act of 1963, P.L. 88-132, permanently changed Title 10 of the United States Code so as to deny the benefits of that act and of future active duty pay raises to retirees and to substitute therefor a less advantageous system of raises based upon the cost-of-living index; and

WHEREAS, This ex post facto abrogation of the system under which today's retirees served and which they had every valid right to expect to be continued during their retirement, constitutes a clear breach of faith with those retirees; and

WHEREAS, As a result of this unjust and discriminatory action, there are now seven standards of pay for persons who served in the same rank and for the same period of time, with the older retirees drawing as much as 32.5 percent less than their younger colleagues; and

WHEREAS, This discriminatory action has had a very adverse impact not only upon the morale of retirees but also upon those now serving in the active forces and consequently has contributed to a worsening of the problem of retaining professional military personnel in the active forces; and

WHEREAS, The State of California is privileged to be the home of many military retirees who have served their country faithfully and well, only to become the subject of the aforementioned discrimination; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact appropriate legislation which will remove the existing discrimination against older retirees by equalizing the compensation of all retired members of the uniformed services who have served in the same rank and for an equal period of time; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 202

Assembly Joint Resolution No. 45—Relative to soil grants for recreation.

[Filed with Secretary of State June 16, 1969.]

WHEREAS, Congress enacted P.L. 566, 83rd Congress, which provides technical information and financial grants for soil conservation and flood prevention purposes; and

WHEREAS, This law does not include recreation as a major beneficial use in the programs that are funded under its provisions; and

WHEREAS, The increasing population and shortening of the general workweek have placed increasing pressures on existing recreational facilities; and

WHEREAS, To meet this increasing pressure for recreational facilities it is necessary that multiple use be made of all facilities available; and

WHEREAS, Projects developed for soil conservation purposes might be adapted to other uses, such as recreation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to change existing laws regulating grants for soil conservation purposes to include recreation as a major beneficial use; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 203

Assembly Concurrent Resolution No. 67—Relative to a study of limited examinations for drivers' license renewals.

[Filed with Secretary of State June 16, 1969.]

WHEREAS, California currently is issuing nearly 2,700 drivers' licenses a day to drivers never before holding a California license; and

WHEREAS, The number of automobile drivers in California is increasing to an unprecedented number; and

WHEREAS, The qualifications of renewal applicants differ greatly, requiring varying amounts of time in examining for renewal; and

WHEREAS, Some may need only a screening check and others a more thorough examination; and

WHEREAS, Much may be accomplished in safety and economy by varying the examination to fit the need; and

WHEREAS, Section 12814 of the Vehicle Code grants to the Department of Motor Vehicles discretion with respect to requiring applicants for the renewal of drivers' licenses to take the examination required for original applications for drivers' licenses; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Motor Vehicles is hereby requested by the Legislature to conduct a pilot study of methods of screening applicants for renewal of licenses by limiting examinations for renewal to the vision tests only in order to test the effect on economy and on driving records of such methods but the subjects of the study shall be limited in number to not more than 1 percent of the California drivers per year; and be it further

Resolved, That the Director of Motor Vehicles is requested to submit a progress report to the Legislature on or before April 1, 1970, and to submit a final report of its findings and recommendations to the Legislature on or before the fifth legislative day of the 1971 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Motor Vehicles.

RESOLUTION CHAPTER 204

Assembly Concurrent Resolution No. 70—Relative to processing with dispatch Cal-Vet disaster indemnity benefit applications.

[Filed with Secretary of State June 16, 1969]

WHEREAS, The Legislature of the State of California enacted in 1956, Article 3.7 (commencing with Section 989) of Chapter 6 of Division 4 of the Military and Veterans Code to authorize the Department of Veterans Affairs to indemnify purchasers under the Cal-Vet farm and home purchase program for costs of repairing uninsured damage to property caused by water or earthquakes and appropriated, without regard to fiscal years, the sum of $1,000,000 for such purposes; and

WHEREAS, Approximately $400,000 of this appropriated sum remains unexpended and uncommitted; and

WHEREAS, Many Cal-Vet properties have been damaged or destroyed by the recent storms and floods and the owners of such properties are submitting applications for such Cal-Vet disaster indemnity benefits; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Veterans Affairs to process with dispatch all applications submitted by Cal-Vet home and farm owners for disaster indemnity benefits; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Veterans Affairs.

RESOLUTION CHAPTER 205

Assembly Concurrent Resolution No. 199—Relative to proclaiming the week of June 22–28 as Indoor Sports Club Week.

[Filed with Secretary of State June 17, 1969.]

WHEREAS, The Indoor Sports Club, Inc., an international nonprofit organization for the physically disabled, was founded in 1930 for the purpose of proving that the physically handicapped, through association, can achieve happiness and a full and useful life, even after seemingly insurmountable tragedy has struck; and

WHEREAS, The membership of the club is composed entirely of persons who have been seriously disabled due to such causes as illness, accident, and war injury who have come together to help themselves to lead productive and full lives and to demonstrate to the public that the disabled can, if given a fair chance, compete with others toward a goal of economic self-sufficiency; and

WHEREAS, The club actively encourages disabled persons to become gainfully employed citizens, taking part in all phases of community life, and its members have volunteered their services over the years to many community activities; and

WHEREAS, The club has sought and supported enactment of legislation in California to provide opportunities for the handicapped to achieve gainful employment and to provide aid and rehabilitation for the unemployable handicapped; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the Indoor Sports Club, Inc., for its notable achievements in aid of the seriously disabled; and be it further

Resolved, That the members request the Governor to proclaim the week of June 22–28, 1969, as Indoor Sports Club Week in recognition of the club's many accomplishments; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to the Indoor Sports Club, Inc.

RESOLUTION CHAPTER 206

Senate Concurrent Resolution No. 114—Relative to Apartment Living Week.

[Filed with Secretary of State June 19, 1969.]

WHEREAS, The rapid development of multiple family dwelling in California and the nation, attests to their popularity in filling the need for carefree urban housing; and

WHEREAS, The California Apartment Association was organized January 1, 1941, to promote the welfare of the rental housing industry in California; and

WHEREAS, The objectives of the association are to create, maintain, and develop cooperation among the owners and managers of apartment houses and other multiple family residence buildings and to facilitate interchange of ideas in the conception, construction, management, operation and maintenance of apartment houses and apartment-hotel buildings; and

WHEREAS, The members of the California Apartment Association are dedicated to the precept of free enterprise and aspire to democratic representation for all participants in one of the largest industries in the United States; and

WHEREAS, The members of the California Apartment Association are dedicated to the fundamental rights of private ownership with its accompanying responsibilities and freedom of decision; and

WHEREAS, The California Apartment Association will hold its annual conferences at the Edgewater-Hyatt Hotel in Long Beach during the week of September 29th through October 4, 1969; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of September 29th through October 4th as "Apartment Living Week"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy of the resolution to the President of the California Apartment Association.

RESOLUTION CHAPTER 207

Senate Concurrent Resolution No. 125—Relative to the Diamond Jubilee of motion pictures.

[Filed with Secretary of State June 19, 1969.]

WHEREAS, The motion picture, an indigenous American art form, has transformed the lives of hundreds of millions of people through education and entertainment; and

WHEREAS, In addition to entertaining and enlightening the people of the world, the motion picture industry supports and employs hundreds of thousands of persons throughout the world and particularly in California, the motion picture capital of the world; and

WHEREAS, Motion pictures are a global medium which calls upon the talent and peaceful cooperation of many nationalities; and

WHEREAS, American motion pictures have an occupancy of more than 50 percent of the total time on the screens of the world's theaters which means that on an average day ten million three hundred thousand individuals in foreign countries see a film released by an American company, a figure that adds

up to seventy-two million admissions weekly and three billion seven hundred million annually—no other American medium regularly reaches such massive numbers of persons in foreign countries; and

WHEREAS, American motion pictures are a direct link for millions abroad with the United States, its history and character, its spirit and its ideals, through American film stars who are household names and who are themselves ambassadors with whom millions abroad can identify with American life; and

WHEREAS, American motion pictures are a business engaged in an art which contributes each year a large surplus balance of payments that is of urgent importance to our country's economic and fiscal health; and

WHEREAS, 1969 is the 75th anniversary of the birth of motion pictures and a most fitting time to honor the industry for its contribution to the cultural and economic betterment; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim 1969 as the Diamond Jubilee Year of the motion picture; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Hollywood A. F. of L. Film Council, the Association of Motion Picture and Television Producers, Inc., and the Screen Actors Guild.

RESOLUTION CHAPTER 208

Senate Concurrent Resolution No. 127—Approving amendments to the Charter of the City of San Rafael, County of Marin, State of California, ratified by the qualified electors of the city at a regular municipal election held therein on the 15th day of April, 1969.

[Filed with Secretary of State June 19, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments to the Charter of the City of San Rafael, a municipal corporation in the County of Marin, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF RATIFICATION OF CHARTER AMENDMENTS BY ELECTORS OF THE CITY OF SAN RAFAEL

State of California }
County of Marin } ss.
City of San Rafael }

We, the undersigned, C. Paul Bettini, Mayor of the City of San Rafael, and W. Clifford Cornwell, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Rafael, a Municipal corporation in the County of Marin, State of California, is now and at all times herein mentioned was a city duly organized, existing and acting under a freeholders Charter adopted under and pursuant to Section 8 of Article XI of the Constitution of the State of California, with a population of more than 3,500 and less than 50,000 inhabitants.

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion, submitted to the qualified electors of said City, certain proposals for the amendment of the Charter of said City at a general municipal election duly and regularly called and held in said City on the 15th day of April, 1969, said Charter Amendments being hereinafter set forth in full.

That on the 28th day of February, 1969, said City Council caused said Charter Amendments to be duly and regularly published and advertised in each and every edition of said 28th day of February, 1969, in the Independent Journal, the official newspaper of said City, printed, published and circulated in said City.

That said general municipal election was duly and regularly held in said City on the date fixed by said Council, to-wit, April 15, 1969, which date was not less than forty (40) and not more than sixty (60) days after completion of the advertising of said proposed Charter Amendments, and the returns of said general municipal election were duly and regularly canvassed and the results declared and entered, namely, that at said election a majority of the qualified voters voting thereon voted in favor and did ratify the Charter Amendments herein specifically set forth.

That said amendments to the Charter of said City so ratified by the voters of said City are as follows, to-wit:

San Rafael Charter Amendment #1

Section 1 of Article VI was amended to read as follows:

"Section 1 Elective Officers The elective officers of the City of San Rafael shall be: A Mayor, four Councilmen, five members of the Board of Education, a City Clerk, a City Attorney, a Chief of Police, a City Treasurer, a City Assessor, a City Tax and License Collector."

San Rafael Charter Amendment #2

Section 2 of Article VI was amended to read as follows:

"Section 2. The Election and Term of Office of Mayor. The Mayor shall be elected at the general municipal election and shall be elected for a term of four years from and after the seventh day succeeding the day of such election and until his successor is elected or appointed and qualified."

San Rafael Charter Amendment #3

Section 11 of Article VI was amended to read as follows:

"Section 11. Appointive Officers. The Council shall appoint a city engineer, a superintendent of streets, a health officer, who shall be a duly licensed physician in accordance with the laws of the State of California, a chief of the fire department, who shall be ex-officio fire marshal, and a poundmaster, each of whom shall hold office for the period of four years. The council may consolidate the offices of city engineer and superintendent of streets. All such appointive officers may be removed at any time by the affirmative vote of three members of the Council."

That we have compared the amendments as stated herein with the original proposals submitted to the electors of said City, and find and certify that said amendments are a full, true and correct copy thereof.

In witness whereof, we have hereunto set our hands and caused the seal of the City of San Rafael to be affixed hereto this 19th day of May, 1969.

C. PAUL BETTINI
(SEAL) Mayor—City of San Rafael
W. C. CORNWELL
City Clerk—City of San Rafael

and

WHEREAS, The proposed amendments to the charter, as adopted and ratified as hereinabove set forth, have been and now are duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendments to the Charter of the City of San Rafael, County of Marin, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, are hereby approved as a whole, without alteration or amendment, for and as amendments to, and as part of, the Charter of the City of San Rafael, County of Marin.

RESOLUTION CHAPTER 209

Senate Concurrent Resolution No. 130—Relative to commending Walter Winston Woods.

[Filed with Secretary of State June 19, 1969.]

WHEREAS, The Members of the Legislature have learned that Walter Winston Woods, a veteran of almost 30 years as a

peace officer, will retire from his assignment as sergeant-in-charge of the Twentynine Palms Resident Post of the California Highway Patrol on June 30, 1969; and

WHEREAS, Sergeant Woods began his career, after attending high schools and college in Santa Monica, in 1939 as a police officer in Santa Monica; and

WHEREAS, In 1941 he joined the California Highway Patrol and served at posts in San Luis Obispo County and San Diego County; and

WHEREAS, He has been very active in a wide variety of community services, including President of the Twentynine Palms Coaches Association, a director of the Twentynine Palms Chamber of Commerce for four years, President of the Associated Chambers of the High Desert, President of the Youth Advisory Council, Chairman of the Advisory Board of the Park and Recreation District, and member of the Rotary Club; and

WHEREAS, He was elected to the board of directors of the California Association of Highway Patrolmen in 1965 and now has the distinction of serving as its president and legislative representative in Sacramento; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend Walter Winston Woods for his outstanding service to the Legislature and to his community; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Walter Winston Woods.

RESOLUTION CHAPTER 210

Assembly Joint Resolution No. 38—Relative to high cost of housing.

[Filed with Secretary of State June 19, 1969.]

WHEREAS, Home production in California is preponderantly of wood frame construction, to a far greater degree than any other state in the nation; and

WHEREAS, In recent months the supply of softwoods and plywood has become critically short and the price of these woods unusually high; and

WHEREAS, Committees of the Congress are currently undertaking hearings on the national lumber supply problem; and

WHEREAS, S. 1832, and other measures, titled The National Timber Supply Act of 1969, have been introduced into the Congress of the United States of America to provide both shortrun and longrun solutions to the problem of supply of softwood timber for lumber and plywood; and

WHEREAS, High lumber costs, coupled with continued increases in interest rates, labor costs and land prices, are vir-

tually removing decent housing from the reach of low- and moderate-income families at a time when national housing goals require a substantial increase in new housing units; and

WHEREAS, President Richard Nixon has recently acted to ease price pressures on lumber and plywood by restraining governmental purchasing of this commodity and ordering an increase in timber harvest on federal lands consistent with good conservation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature respectfully memorializes the President and the Congress of the United States to study this problem and take whatever actions are necessary to alleviate this serious problem, because of the extreme hardship and consequences it has upon the home buyers of this state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 211

Assembly Concurrent Resolution No. 188—Relating to Printers' Week.

[Filed with Secretary of State June 19, 1969]

WHEREAS, Printing opens the storehouse of knowledge and has contributed to progress since the invention of movable type by Gutenberg in 1440, and has spread culture, knowledge, science and learning throughout the world; and

WHEREAS, Printing brings to us the wisdom and experience of past generations, the printed word providing continuity to life as it reveals past ages to the present, and extends a hand to future generations who will learn about us through printed words, pictures and graphics; and

WHEREAS, The first printing press in California was an ancient Ramage press in Monterey, made in Boston about 1720, which first printed circulars, handbills, and Mexican officials' proclamations, and was the press which printed the first newspaper on the Pacific Coast, "The Californian," edited by Walter Colton, the first edition being dated August 15, 1846; and

WHEREAS, The art of printing, the presses to fill the needs of the growing state during the Gold Rush, the trained printers and editors, and the entire complex of the printing industry, grew apace with the population since that time, until California is now the home of thousands of printers of every kind from small job shops, to fine limited-edition books, to city blocks of newspaper plants; and

WHEREAS, The International Association of Printing House Craftsmen, with 1,500 California members, observes Printing Week in January because Benjamin Franklin, the "patron saint" of the craft of printing, whose wit, wisdom and truth still clearly speak to us across generations, was born on January 17, 1706; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim January 11 to 17, 1970, as Printers' Week in California, and urge all Californians to observe this occasion by recognizing the importance of printing in their lives; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 212

Senate Concurrent Resolution No. 16—Relative to the California Law Revision Commission.

[Filed with Secretary of State June 23, 1969]

WHEREAS, Section 10335 of the Government Code provides that the California Law Revision Commission shall file a report at each regular session of the Legislature which shall contain a calendar of topics selected by it for study, including a list of the studies in progress; and

WHEREAS, The commission in its annual report covering its activities for 1968 lists the following topics, all of which the Legislature has previously authorized or directed the commission to study, as studies in progress:

Topics Under Active Consideration:

(1) Whether the law and procedure relating to condemnation should be revised with a view to recommending a comprehensive statute that will safeguard the rights of all parties to such proceedings;

(2) Whether the doctrine of sovereign or governmental immunity in California should be abolished or revised;

(3) Whether the decisional, statutory, and constitutional rules governing the liability of public entities for inverse condemnation should be revised, including but not limited to the liability for inverse condemnation resulting from flood control projects;

(4) Whether the Evidence Code should be revised;

(5) Whether the law relating to the use of fictitious names should be revised;

(6) Whether Civil Code Section 1698 should be repealed or revised;

(7) Whether Section 1974 of the Code of Civil Procedure should be repealed or revised;

Topics Continued on Calendar for Further Study:

(1) Whether an award of damages made to a married person in a personal injury action should be the separate property of such married person;

(2) Whether the law relating to the doctrine of mutuality of remedy in suits for specific performance should be revised;

(3) Whether Vehicle Code Section 17150 and related statutes should be revised;

(4) Whether the law relating to the rights of a good faith improver of property belonging to another should be revised;

(5) Whether the law relating to suit by and against partnerships and other unincorporated associations should be revised and whether the law relating to the liability of such associations and their members should be revised;

(6) Whether the law relating to the escheat of property and the disposition of unclaimed or abandoned property should be revised;

(7) Whether the jury should be authorized to take a written copy of the court's instructions into the jury room in civil as well as criminal cases;

(8) Whether the law relating to quasi-community property and property described in Section 201.5 of the Probate Code should be revised;

(9) Whether the law relating to a power of appointment should be revised;

(10) Whether the law relating to the rights and duties attendant upon termination or abandonment of a lease should be revised;

(11) Whether the law relating to additur and remittitur should be revised;

Other Topics Authorized for Study:

(1) Whether the law respecting jurisdiction of courts in proceedings affecting the custody of children should be revised;

(2) Whether the law relating to attachment, garnishment, and property exempt from execution should be revised;

(3) Whether the various sections of the Code of Civil Procedure relating to partition should be revised and whether the provisions of the Code of Civil Procedure relating to the confirmation of partition sales and the provisions of the Probate Code relating to the confirmation of sales of real property of estates of deceased persons should be made uniform and, if not, whether there is need for clarification as to which of them governs confirmation of private judicial partition sales;

(4) Whether the Small Claims Court Law should be revised;

(5) Whether the law relating to arbitration should be revised;

(6) Whether California statutes relating to service of process by publication should be revised in light of recent decisions of the United States Supreme Court; and

WHEREAS, The commission in its annual report covering its activities for 1968 has recommended that the following topic, previously approved for study, be removed from its agenda:

Whether Section 7031 of the Business and Professions Code, which precludes an unlicensed contractor from bringing an action to recover for work done, should be revised; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature approves the topics listed above as studies in progress for continued study by the California Law Revision Commission and approves the removal from the commission's agenda of the topic listed above that the commission has recommended be removed from its agenda.

RESOLUTION CHAPTER 213

Assembly Concurrent Resolution No. 201—Approving three certain amendments to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, voted for and ratified by the electors of said city at a general municipal election held therein on the 27th day of May 1969.

[Filed with Secretary of State June 24, 1969]

WHEREAS, Proceedings have been taken and had for the adoption and ratification of three amendments, hereinafter set forth, to the Charter of the City of Los Angeles, a municipal corporation, in the County of Los Angeles, State of California, as set out in the certificate of the President pro Tempore of the Council of the City of Los Angeles and the city clerk of said city, as follows:

CERTIFICATE OF AMENDMENTS TO THE CHARTER OF THE CITY OF LOS ANGELES, CALIFORNIA

State of California
County of Los Angeles } ss.
City of Los Angeles

We, John S. Gibson, Jr., President Pro Tempore of the Council of the City of Los Angeles, and Rex E. Layton, City Clerk of the City of Los Angeles, do hereby certify and declare as follows:

That said, City of Los Angeles, in the County of Los Angeles, in the State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two million one hundred thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; (b) a city organized and

existing under a freeholders' charter, adopted under the provisions of Section 8, Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the electors of said city at a special election held for that purpose on the 6th day of May 1924, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 26th day of January 1925 (Senate Concurrent Resolution No. 2, Chapter No. 5, Statutes 1925, P. 1024).

That in accordance with the provisions of Article XI, Section 8 of the Constitution of the State of California, the Council of the City of Los Angeles, being the legislative body of said city, on its own motion, duly and regularly submitted to the qualified electors of the City of Los Angeles certain proposals for the amendment of the Charter of said city to be voted upon by said qualified electors at a certain general municipal election held on the 27th day of May 1969, all as required by law, which said proposals were designated as proposed charter amendments 1, 2, 3 and 4, respectively.

That on the 11th day of April 1969, the said proposed amendments were published and advertised in accordance with Section 8 of Article XI of the Constitution, in each and every edition of said day of April 11, 1969, in "The Los Angeles Daily Journal," a daily newspaper of general circulation printed and circulated in said city, and being the official newspaper for said purpose; all as shown by the affidavit of publication on file in the office of the City Clerk of said city.

That copies of said proposed charter amendments were printed in convenient pamphlet form in type of ten-point, and were mailed to each of the qualified electors of said city; and copies thereof could be had upon application therefor at the office of the City Clerk on and from April 11, 1969, to and including May 27, 1969; and a notice was advertised and published on and from April 11, 1969, to and including May 27, 1969, in "The Los Angeles Daily Journal," a newspaper of general circulation in said city, that copies thereof might be had at the office of the City Clerk of said city upon application therefor.

Such proposed charter amendments were submitted to the electors of said city for adoption and ratification at a general municipal election held on May 27, 1969, which was not less than forty, nor more than sixty, days after completion of the advertising in the official paper of the proposed charter amendments aforesaid.

At said election a majority of the qualified electors voting upon each of the proposed charter amendments voted in favor of said proposed charter amendments 1, 2 and 4 and adopted and ratified the same, as appears by the official canvass of the returns thereof by the City Clerk of the City of Los Angeles, heretofore certified by him to the Council of said city, and the declaration of the Council of said City of Los

Angeles, which pursuant to law met on June 9, 1969, at its usual time and place of meeting, and duly declared the result of said canvass of the returns of said election, as certified by the said City Clerk.

That the said amendments to the Charter of the City of Los Angeles, so adopted and ratified by the qualified electors of said city, and which shall be submitted to the Legislature for approval or rejection, are in words and figures as follows:

PROPOSED CHARTER AMENDMENT No. 1

The charter of the City of Los Angeles is hereby amended by amending Article VIII thereof to read as follows:

Article VIII
City Planning

Sec. 94. Department of City Planning

The Department of City Planning shall have and exercise all the powers and duties which are provided in this Charter, and, in addition thereto, such other powers and duties, including those granted to or imposed upon City Planning Commissions or Departments by State law, as are provided by ordinance.

Sec. 95. Director of Planning

(1) The general manager of the Department of City Planning shall be known as the Director of Planning. He shall be chosen on the basis of his administrative and technical qualifications, with special reference to his actual experience in and his knowledge of accepted practice in the field of city planning.

(2) The Director of Planning shall have the following powers and duties, subject to supervision and direction by the City Planning Commission as to matters of policy:

(a) With the advice of the General Plan Advisory Board, he shall prepare the proposed General Plan of the City and from time to time prepare proposed extensions and modifications thereof; and he shall prepare all maps, diagrams, charts and reports which may be necessary or advisable in the making of said General Plan.

(b) Subject to the approval of the City Planning Commission, he shall prepare all proposed zoning regulations and requirements, including the necessary districts or zones in connection therewith, and he shall prepare all maps, charts and diagrams which may be necessary or advisable in the making of such zoning regulations.

(c) He shall make investigations and report on the design and improvement of all proposed subdivisions of land.

(d) He shall have such additional powers and duties as set forth elsewhere in this Charter or as may be imposed upon him by ordinance.

Sec. 95.5. General Plan Advisory Board

There is hereby created a General Plan Advisory Board to advise and assist the Director of Planning in the preparation of the General Plan and of amendments thereto and to perform such other functions as may be provided by ordinance. The membership of, the procedure for the conduct of business before, and other matters relating to such board shall be prescribed by ordinance.

Sec. 96. City Planning Commission

The Board of City Planning Commissioners shall be known as the City Planning Commission. It shall advise and recommend to the Mayor, City Council, Director of Planning, municipal departments and agencies with respect to city planning and related activities and legislation. On matters of policy, it shall direct and supervise the Director of Planning in the execution of his various powers and duties. It shall perform such other functions as are set forth elsewhere in this Charter or as specified by ordinance.

Sec. 96.5. General Plan

The General Plan shall be a comprehensive declaration of purposes, policies and programs for the development of the City, and shall include, where applicable, diagrams, maps and text setting forth objectives, principles, standards and other features.

(1) Purpose. The General Plan shall serve as a basic and continuous reference in (a) planning for the development of the City, (b) developing, correlating and coordinating official regulations, controls, programs and services, and (c) attaining coordination of planning and administration by all agencies of the city government, other governmental bodies and private organizations and individuals involved in the development of the City.

(2) Content. The General Plan shall include the following elements:

(a) A land use element which designates the proposed general distribution, location and extent of the uses of land, and includes a statement of the standards of population density and building intensity for the various areas covered by the General Plan.

(b) A circulation element indicating the general location and characteristics of existing and proposed freeways, major thoroughfares, transportation routes, terminals, and other facilities and features all correlated with the land use element of the General Plan.

(c) A service-systems element indicating the location and characteristics of service-systems supplying the city with utilities and services.

The General Plan may include other elements, including those enumerated by State law, when approved by the City Council after first considering the recommendations of the City Planning Commission thereon. If the City Council is

considering the inclusion of an element upon which the City Planning Commission has not made a recommendation, the matter must be referred to the Commission for such purpose. If the Commission fails to make its recommendations within 30 days after the request therefor by the Council, the Council may take action without such recommendations.

(3) Procedure. The Director of Planning, with the advice of the City Planning Commission and the General Plan Advisory Board, shall prepare in the manner prescribed by this Charter and by ordinance, and the Commission shall approve and the Council shall adopt by resolution, a comprehensive General Plan for the development of the City and of any land outside the boundaries of the City which bears relation to its planning.

Proceedings pertaining to the preparation, consideration, hearings, time limits, approval and adoption of the General Plan, or any of its parts or amendments thereto, shall be as provided by ordinance, subject to the following limitations:

(a) The General Plan shall be so prepared that the City Planning Commission may approve and the Council may adopt it as follows: as a whole; by complete subject elements; by substantial geographical areas; or by portions of subject elements, provided that any such area or portion has significant social, economic or physical identity.

(b) After such notice, if any, as may be required by ordinance and public hearing by the City Planning Commission, and upon its approval of said General Plan or any part thereof or amendment thereto, the same shall be presented to the Mayor and the Council by the Director of Planning.

(c) After receipt of the General Plan or any part thereof or amendment thereto as approved by the City Planning Commission, and upon receipt of the recommendations by the Mayor relative thereto or the expiration of 30 days, whichever first occurs, the Council shall conduct a public hearing before acting thereon, and thereafter may adopt such plan, or part thereof or amendments thereto, provided that any such part or amendment conforms to the limitations set forth in Subdivision (3) (a) hereof.

(d) If the Council proposes any change from that which has been approved by the City Planning Commission, such proposed change must be referred to the Director of Planning, the City Planning Commission and the Mayor for recommendation. The Commission and the Mayor must act thereon within a period determined by ordinance. Failure to act within such time shall be deemed to be an approval.

(e) Upon conclusion of its public hearing if no changes are proposed by the Council or after receipt of the Mayor's and City Planning Commission's recommendations on any proposed change, or the expiration of their time to act thereon, final action by the Council shall be taken within a period determined by ordinance.

(f) Adoption of the General Plan or any part thereof or amendment thereto shall be by majority vote of the entire Council if not contrary to the recommendations of either the City Planning Commission or the Mayor. A two-thirds vote shall be required if contrary to the recommendations of either the City Planning Commission or the Mayor, and a three-fourths vote shall be required if action of the Council is contrary to the recommendations of both the City Planning Commission and the Mayor.

(4) Implementation. The City Planning Commission shall make such reports and recommendations to the Council and to other governmental officers or agencies as may be necessary to secure adherence to and systematic implementation of the General Plan, and may publish and distribute reports relating thereto. A copy of all adopted portions of the General Plan shall be available for inspection in the main and each branch office of the Department of City Planning.

(5) Compliance. When acting upon a specific plan or any other matter enumerated in Sections 97.1 through 97.7 of this Charter, the City Planning Commission and the Council shall make findings showing that the action is in substantial conformance with the purposes, intent and provisions of the General Plan or their reasons for not conforming therewith. If the Council does not adopt the Commission's findings and recommendations, the Council shall make its own findings.

Sec. 96.6. General Plan Areas

For the purpose of reviewing or amending the General Plan, the City Planning Commission at the earliest feasible date shall make its recommendations to the Council relative to the division of the entire city into areas and a schedule for the consideration of such areas and the Council, after considering the recommendations of the Commission, shall adopt an ordinance providing therefor. Thereafter any review of or proposal for the amendment of the General Plan with respect to a particular area shall be considered only during the period scheduled for that area unless the City Planning Commission or Council determines there are special circumstances affecting the public interest as such may be defined by ordinance which necessitate a deviation therefrom. Any review of or proposal for the amendment of the General Plan involving city-wide application need not be considered on any area by area basis.

Sec. 97.1. Specific Plans

A specific plan is a definite statement of policies, standards and regulations together with a map or description defining the locations where such policies, standards and regulations are applicable.

(1) Purpose. The purpose of a specific plan shall be to provide by ordinance regulatory controls or incentives for the systematic execution of the General Plan and to provide for public needs, convenience and general welfare.

(2) Content. Such specific plans may include:

(a) Zoning. Regulations of the use of land and buildings, the height and bulk of buildings, and the open spaces about buildings.

(b) Public Projects. Regulations concerning the location of buildings and other improvements in relation to existing or planned rights-of-way or other types of public projects.

(c) Such other measures as may be required to insure the execution of the General Plan.

(3) Procedure. The Council may, by ordinance, provide regulations consistent with the provisions of this Charter for the preparation, consideration, hearings, time limits, approval and adoption of specific plans and amendments thereto.

Sec. 97.2. Specific Plans—Zoning

(1) No ordinance, order or resolution shall be adopted by the Council effectuating (i) the creation or change of any zones or districts for the purpose of regulating the use of land, density of population, the height, bulk, location, or use of buildings or structures or the size of yards, open spaces or setbacks adjacent to buildings or structures therein, or (ii) the authorization of location of uses of land and regulations applicable thereto which may be designated in the zoning ordinance as unclassifiable according to zones or districts, or (iii) the establishment, change or repeal of regulations applying within any of said zones, districts, yards, open spaces, or setbacks unless it shall have first been submitted to the City Planning Commission for report and recommendation concerning the following:

(a) Its relation to and effect upon the General Plan, specific plans, and any plans being prepared by the Department of City Planning, and

(b) Whether its adoption will be in conformity with public necessity, convenience, general welfare and good zoning practice.

(2) Proceedings for the creation or change of any of said zones or districts, or the authorization of an unclassifiable use, or the establishment, change or repeal of any regulations applying thereto, may be initiated by the filing of an application with the City Planning Commission as provided for by ordinance, or by the Council or the City Planning Commission.

(3) When a proceeding involving any of the matters mentioned in Subsection (1) hereof is initiated by the Council, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within the time prescribed by ordinance. Should the Commission recommend approval of the matter in whole or in part, an ordinance, order or resolution conforming to the Commission recommendation may be adopted by a majority vote of the whole Council Should the Commission recommend against approval thereof, the Council may adopt an ordinance, order or resolution effectuating the same only upon a two-thirds

vote of the whole Council. Should the Commission fail to make any recommendations within the time specified by ordinance, an ordinance, order or resolution in conformity with that which was initiated by the Council shall be prepared and presented to the Council which may adopt same by majority vote of the whole Council.

(4) When an application involving any of the preceedings mentioned in Subsection (1) hereof is filed with the City Planning Commission, it shall be the duty of the Commission to act thereon within the time prescribed by ordinance. Should the Commission recommend approval of the matter involved in whole or in part, its recommendation shall be presented to the Council. Should the Commission fail to act within the time prescribed by ordinance, an ordinance, order or resolution conforming to that requested in the application shall be prepared and presented to the Council. Any ordinance, order or resolution conforming with the Commission recommendation or involving a matter upon which the Commission failed to act within the prescribed time may be adopted by a majority vote of the whole Council. Should the Commission recommend against the approval thereof in whole or in part, its action thereon shall be final except that an appeal may be taken to the Council within the time and in a manner prescribed by ordinance. The Council shall review the action of the Commission appealed from and may adopt an ordinance, order or resolution contrary to the recommendation of the Commission in whole or in part only upon a two-thirds vote of the whole Council.

Sec. 97.3. Specific Plans—Building Lines

(1) No ordinance, order or resolution shall be adopted by the Council regulating the setback of buildings or of other improvements adjacent to a street or highway unless it shall have first been submitted to the City Planning Commission for its report and recommendation concerning its relation to and effect upon the General Plan, the applicable zoning regulations, and any other specific plans and any plans being prepared by the Department of City Planning, and its conformity with public necessity, convenience and general welfare.

(2) Procedings for the establishment, change or repeal of any such building line regulations shall be subject to the same limitations set forth in Subsections (2), (3) and (4) of Section 97.2 of this Charter.

Sec. 97.4. Specific Plans—Public Projects

(1) Purpose. Specific plans for public projects may be adopted in order to give notice of and establish regulations pertaining to land area required for physical public improvements such as streets, parks, public buildings or other functional public features.

(2) Content. A specific plan for a public project shall include a map, with or without descriptive text, showing the location, required land area, and dimensions of a proposed

public project, and may include regulations pertaining to the location of buildings or other improvements both within and adjacent to the land area required for the project.

(3) Procedure. When deemed appropriate by the Director of Planning and either the City Engineer or the head of any other department or bureau whose duties are reasonably related to a particular project, they shall prepare in the manner prescribed by this Charter and by ordinance a specific plan relating thereto. Such plan shall be submitted to the City Planning Commission, which shall approve or disapprove and transmit same together with its report and recommendations thereon to the Council. Adoption of any such plan shall be by ordinance. If the Council desires to amend such proposed plan, it must be returned to the Commission for report and recommendation. If the Commission approves such plan or amended plan or fails to act within such time as may be prescribed by ordinance, the Council may adopt same by majority vote of the whole Council. If the Commission disapproves such plan or amended plan, in whole or in part, the Council may adopt same only upon a two-thirds vote of the whole Council.

The Council may, by ordinance, provide further regulations pertaining to the proceedings for the preparation, consideration, hearings, time limits, approval and adoption of such specific plans, or amendments thereto.

Sec. 97.6. Referrals—Public Uses

(1) No ordinance, order or resolution shall be adopted by the Council authorizing, ordering or involving any of the following enumerated matters unless such ordinance, order or resolution shall have first been submitted to the City Planning Commission for report and recommendation concerning the relation of the matter involved to and its effect upon the General Plan, any applicable specific plans and any plans being prepared by the Department of City Planning;

(a) The acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space, but not including easements for local sanitary sewers, storm drains or slopes.

(b) The location, appearance, and width of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic, or the location and appearance of any public building.

(2) Upon the receipt of any such proposed ordinance, order or resolution, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within the time prescribed by ordinance. If the Commission recommends approval or fails to make any recommendation within the prescribed time, the Council may adopt such ordinance, order or resolution by majority vote of the whole Council. If the Commission recom-

mends against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole Council.

Sec. 97.7. Referrals—Other Development Regulations

(1) No ordinance, order or resolution shall be adopted by the Council involving any of the following matters unless it first shall have been submitted to the City Planning Commission for report and recommendation concerning the relationship of the matter involved to and its effect upon the General Plan, specific plans, and any other plans and regulations approved by the Commission or being prepared by the Department of City Planning:

(a) Subdivision regulations.

(b) Private street regulations.

(c) Such other types of regulatory measures related to the General Plan or the development of the City as may be defined for this purpose by ordinance.

(2) Upon the receipt of any such proposed ordinance, order or resolution, it shall be the duty of the City Planning Commission to make and file its report and recommendations thereon with the Council within the time prescribed by ordinance. If the Commission recommends approval or fails to make any recommendation within the prescribed time, the Council may adopt such ordinance, order or resolution by majority vote of the whole Council. If the Commission recommends against the approval thereof, the Council may adopt same only upon a two-thirds vote of the whole Council.

Sec. 97.8. Delegation of Authority

The City Planning Commission may authorize the Director of Planning to approve or disapprove for the Commission any ordinance, order or resolution which is subject to the provisions of Sections 97.1 through 97.7 of this Charter. In exercising any such authority, the Director must find that his action conforms with all applicable portions of the General Plan and with all applicable specific plans or with the latest action of the Commission on the same matter. An action of the Director under this authority shall be subject to the same time limits and shall have the same effect as if the Commission had acted directly thereon.

Sec. 97.9. Hearings and Investigations

In complying with the provisions of Sections 97.1 through 97.7 of this Charter, the City Planning Commission shall hold such hearing or hearings as it may determine or as may be required by ordinance, or may direct an examiner to conduct such hearings for it. The Director of Planning shall make such investigations relative to all matters provided for in Sections 97.1 through 97.7 as the Commission may direct and shall file his reports thereon with the Commission.

Sec. 98. Office of Zoning Administration

(1) There is hereby created as a quasi-judicial agency the Office of Zoning Administration. The functions and duties of this office shall be performed by one or more Zoning Adminis-

trators as authorized by the Council, who shall be appointed by the Director of Planning subject to the civil service provisions of this Charter. If more than one Zoning Administrator is authorized, a position of Chief Zoning Administrator shall be established, the appointment to which shall be made by the Director of Planning, and such others shall be Associate Zoning Administrators.

(2) Subject to such rules and regulations as the Council may prescribe by ordinance, the Chief Zoning Administrator and Associate Zoning Administrators shall have the following powers and duties:

(a) To investigate and make a determination upon appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision or determination made by the Department of Building and Safety in the enforcement or administration of the provisions of any ordinance creating zoning districts or regulating the use of property in the city.

(b) To investigate and make a determination upon all applications for variances from any of the regulations and requirements of the zoning ordinances. Before granting an application for a variance a Zoning Administrator must find:

(i) that the strict application of the provisions of of the zoning ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations,

(ii) that there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

(iii) that such variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question,

(iv) that the granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the property is located, and

(v) that the granting of the variance will not adversely affect any element of the General Plan.

In granting a variance a Zoning Administrator shall impose such conditions as will remedy disparity of privileges and which are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning ordinance. A variance shall not be used to grant a special privilege, nor to permit a use substantially inconsistent with the limitations upon other properties in the same zone and vicinity, nor to grant relief from self-imposed hardships.

(c) To determine pursuant to procedures and limitations provided in the zoning ordinance, the proper classification of those uses not specifically listed in such ordinance.

(d) Under standards, limitations and procedures established by ordinance, to grant slight modifications in yard and area requirements of the zoning ordinance when circumstances make the literal application of the yard and area requirements impractical.

(3) Determinations by a Zoning Administrator shall be supported by written findings of fact based upon written and oral statements and documents presented to him, including photographs, maps and plans, together with the results of his investigations except that no written findings shall be required for the granting of slight modifications in yard or area requirements.

A Zoning Administrator shall make determinations on any matter under his jurisdiction as expeditiously as possible. The Council shall by ordinance provide time limits within which a Zoning Administrator must act for each type of case under his jurisdiction. If no determination is made by a Zoning Administrator within the prescribed time, the applicant may request that the matter be transferred to the jurisdiction of the Board of Zoning Appeals.

Upon making a determination upon any matter under his jurisdiction a Zoning Administrator shall forthwith place a copy of his findings and determination on file in the Department of City Planning and furnish a copy of the determination to the applicant and to the Department of Building and Safety. Such determination shall be final, except that an appeal may be taken as hereinafter provided. No determination by a Zoning Administrator, other than the granting of a slight modification in yard or area requirements, shall become effective until the expiration of an elapsed period after mailing notice to the applicant, which period shall be specified by ordinance. During this period an appeal from the determination may be taken to the Board of Zoning Appeals. An appeal shall stay all proceedings in furtherance of the action appealed from pending its disposition.

(4) The Office of Zoning Administration may adopt such rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All such rules and regulations shall be available for inspection in the Office of Zoning Administration.

Sec. 99. Board of Zoning Appeals

(1) There is hereby created as a quasi-judicial body a Board of Zoning Appeals consisting of five members who shall be appointed by the Mayor subject to confirmation of the Council. The terms of the members of said Board shall be five years. One such term shall expire on June 30 of each year. In case of any vacancy, other than one resulting from

the expiration of a term, a successor shall be appointed for the period of the unexpired term. The members of the Board of Zoning Adjustment in office on the effective date of this amendment shall continue in office as members of the Board of Zoning Appeals for their then unexpired terms. Any provision of this Charter applicable to the Board of Zoning Adjustment after the effective date of this amendment shall apply to the Board of Zoning Appeals.

Three members shall constitute a quorum of the Board of Zoning Appeals, and the concurring vote of at least three members shall be necessary in the determination of any matter.

The members of the Board of Zoning Appeals shall receive such compensation as the Council may from time to time fix and determine by ordinance, and they shall be exempt from the civil service provisions of this Charter.

(2) The Board of Zoning Appeals shall have and exercise only the following powers:

(a) To hear and determine appeals where it is alleged there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by a Zoning Administrator.

(b) To hear and make determinations on any matter normally under the jurisdiction of a Zoning Administrator when such matter has been transferred to the jurisdiction of the Board pursuant to a request for transfer because a Zoning Administrator has failed to act within the time limits prescribed by ordinance.

(c) To hear and determine such other appeals as may be delegated to it by ordinance.

(3) Appeals from an action by a Zoning Administrator may be taken to the Board of Zoning Appeals by an applicant, any person aggrieved, or by any officer, board, department or bureau of the City. Such appeal shall set forth in writing wherein the appellant believes there was error or abuse of discretion on the part of the Zoning Administrator.

The Board of Zoning Appeals, when considering an appeal from an action by a Zoning Administrator, shall base its determination only upon (a) evidence introduced at the hearing, or hearings, if any, before the Zoning Administrator, on the issue, (b) the record, findings and determination of the Zoning Administrator, and (c) the consideration of arguments, if any, presented to the Board orally or in writing. If an applicant or aggrieved person wishes to offer into the proceedings any new evidence in connection with the matter, a written summary of such evidence together with a statement as to why such evidence could not reasonably have been presented to the Zoning Administrator shall be filed with the Board. If the Board determines that such evidence could not reasonably have been presented to the Zoning Administrator and is of such a nature as might reasonably have led to a different

determination by the Zoning Administrator, the Board shall remand the matter to the Zoning Administrator who shall reopen the matter only for the receipt of evidence summarized to the Board together with evidence from other parties relative thereto and, within such time as shall be prescribed by ordinance, make a new order, requirement, decision, interpretation or other determination in the matter. In considering appeals, the Board of Zoning Appeals shall be subject to the same limitations as are placed upon the Zoning Administrators by this Charter and by ordinance.

The Board may modify or reverse a determination of a Zoning Administrator only upon making written findings setting forth specifically wherein the determination of the Zoning Administrator was in error or constituted an abuse of discretion, and shall make specific written findings supporting any modification or reversal.

A determination by the Board of Zoning Appeals granting or affirming the grant of land use variances shall not become effective until the expiration of such a period of time after mailing notice to the applicant as shall be specified by ordinance. During such period an appeal may be taken to the Council by the applicant, any person aggrieved, the Director of Planning, or by any board ,department or bureau of the City. Such appeal shall set forth in writing wherein the appellant believes there was error or abuse of discretion on the part of the Board of Zoning Appeals. An appeal shall stay all proceedings in furtherance of the action appealed from pending its disposition. The Council, when considering an appeal from an action by the Board of Zoning Appeals, shall be subject to the same limitations as are placed on the Board of Zoning Appeals by this Charter and by ordinance. Action by the Council shall be by majority vote, subject to the approval of the Mayor. The Mayor shall approve or disapprove such action within 10 days of its presentation to him. His approval or disapproval shall be based solely upon the administrative record therein and whether he believes such action to be in compliance with the requirements for the grant of a variance set forth in Section 98 of this Charter. If he disapproves such action, he shall return the matter to the City Clerk for presentation to the Council together with his objections in writing and the Council, within 60 days after the matter has been presented to it, may override such disapproval by a two-thirds vote of the whole Council. If the Mayor fails to return the matter to the City Clerk within such 10 day period, the action of the Council shall become effective.

(4) The Board of Zoning Appeals, upon assuming jurisdiction of a matter after a transfer of jurisdiction from a Zoning Administrator, shall follow the same procedures and be subject to the same limitations as are applicable to a Zoning Administrator. When the Board assumes jurisdiction, the Zoning Administrator shall lose jurisdiction except that the matter

may be remanded to the Zoning Administrator, or the Board may accept applicant's request for withdrawal of such transfer of jurisdiction, in which cases the Zoning Administrator shall regain jurisdiction for the time and purpose specified by the Board. If the Board retains jurisdiction, the Office of Zoning Administration shall make investigations and furnish reports upon such matters as the Board may request. When a matter is requested to be transferred, the Zoning Administrator may file with the Board a statement of facts pertaining to the matter, and shall transmit to the Board the files in the case.

(5) The Council, within the limitations established by this Charter, may prescribe by ordinance rules and regulations providing for the time, manner, method and procedure for the hearing and determining of the matters under the jurisdiction of the Board of Zoning Appeals. The Board may adopt such rules as it may deem necessary to carry out the rules and regulations prescribed by ordinance and which are not in conflict or inconsistent therewith. All such rules and regulations shall be available for inspection in the office of the Board of Zoning Appeals.

PROPOSED CHARTER AMENDMENT NO. 2

The Charter of the City of Los Angeles is hereby amended by adding Section 219.4 thereto to read as follows:

Section 219.4. The Board of Water and Power Commissioners shall have power and authority (subject to authorization or approval by ordinance) to contract with others (including all or any of the following: the United States or any of its agencies, any state or state agency, and any corporation, public or private, within or without the State of California), for the construction, ownership, operation and maintenance of facilities for the generation, transformation and transmission of electric energy.

Any such contract may provide for a sharing of the use and benefits of such facilities and of the capital charges and other obligations associated therewith. The term of any such contract may extend over the period of the useful life of the facilities involved.

PROPOSED CHARTER AMENDMENT NO. 4

The Charter of the City of Los Angeles is hereby amended by amending Sections 343 and 352 thereof to read as follows:

Sec. 343. At such time as the Mayor may prescribe, but not later than the first day of May of each year, each board or officer at the head of any department or branch of the city government other than those departments given control of their own funds, shall submit to the Mayor, with duplicates to the City Council and to the director of the Bureau of Budget and Efficiency, on forms and in the manner prescribed by the Mayor, or by ordinance, if forms are prescribed by ordinance, a detailed estimate of the money required for the

next ensuing fiscal year for the proper conduct of the departments and offices under their respective control. The classification of these estimates shall be as nearly uniform as possible and shall exhibit clearly the functions performed by each department, bureau, or office, and the objects and services which it is estimated will be required to carry on the several functions. With the estimates shall be submitted such summaries, schedules and supporting data as may be prescribed by the Mayor or by ordinance, if forms are prescribed by ordinance. Any department head, whose estimate provides for increases over the appropriation of the previous year for his office or department, shall indicate, under appropriate classifications, the relative order of the immediate importance of such increases. After consultation with the head of a department, the Mayor may refer the estimate of such head of department back to said head of department with instructions to prepare a revised estimate on the basis of a maximum sum for the department, such maximum sum to be fixed by the Mayor, or with such further qualification as the Mayor shall determine. Said head of department shall present such revised estimate to the Mayor, with a duplicate to the council and to the director of the Bureau of Budget and Efficiency, at a date fixed by the Mayor.

On or before the first day of April of each year the Controller shall submit to the Mayor, with a duplicate to the Council and to the director of the Bureau of Budget and Efficiency, a detailed statement of the money which he estimates will be required for the interest and sinking funds and for all outstanding bonded indebtedness and other lawful obligations of the city or of special districts therein; also an estimate of the revenue to be derived from fines, licenses and other sources, exclusive of taxes upon property.

Sec. 352. Not earlier than the month of June but not later than the last day of the month in which the statement of property valuations within the city as required by law is received, the Council shall adopt an ordinance levying upon the assessed valuation of the property of the city, in accordance with the provisions of this charter, a rate of taxation upon each one hundred dollars ($100.00) of valuation, which, with the amounts, if any, theretofore transferred from the "reserve fund" in or for the current fiscal year subsequent to the adoption of the annual budget to provide in whole or in part the funds for items appropriated in the annual budget, or so transferred to the "general fund" or transferred from the "reserve fund" to meet in whole or in part the amount budgeted for the "unappropriated balance" together with the total amount estimated by the Controller to be received from fines, licenses, and other sources of revenue, will be sufficient to raise the amount appropriated in the annual budget, provided that the amount of such tax shall not exceed the limit elsewhere in this charter provided. Such ordinance may be passed by a ma-

jority vote of the whole Council upon the day following its introduction, or at a later date, or, upon the day of its introduction by unanimous vote, as provided in Section 26.

We further certify that we have compared the text of the foregoing amendments with the original proposals submitting the same to the electors of said city and find that the foregoing are full, true, correct, complete and exact copies thereof, and of each of them. That as to all of said amendments, this certificate shall be taken as a full and complete certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of Los Angeles to be affixed hereto this 9th day of June 1969.

JOHN S. GIBSON, JR.
(SEAL) President Pro Tempore of the Council of the City of Los Angeles

REX E. LAYTON
City Clerk of the City of Los Angeles

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and are now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without the power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all of the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Los Angeles as proposed to and adopted and ratified by the electors of said city, and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the Charter of the said City of Los Angeles.

RESOLUTION CHAPTER 214

Assembly Concurrent Resolution No. 202—Approving amendments to the Charter of the City of Burbank, County of Los Angeles, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the 27th day of May, 1969.

[Filed with Secretary of State June 24, 1969.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of certain amendments, hereinafter set forth, to the Charter of the City of Burbank, a

municipal corporation, situated in the County of Los Angeles, State of California, as set out in the certificate of the Mayor of the City of Burbank and the city clerk of said city as follows, to wit:

State of California
County of Los Angeles } ss
City of Burbank

We, the undersigned, George W. Haven, Mayor of the City of Burbank, State of California, and Marion W. Marshall, City Clerk of said City, do hereby certify and declare as follows:

The City of Burbank, in the County of Los Angeles, State of California, was at all times mentioned herein and now is a City of the State of California existing and acting under a charter duly adopted and approved under and by virtue of Section 8, Article XI, of the Constitution of the State of California, contain- a population of over fifty thousand inhabitants.

In accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of said City, being the legislative body thereof, on its own motion submitted to the electors of said city, at a special municipal election called for that purpose, held within said City on the 27th day of May, 1969, certain proposed amendments to the City Charter of said City.

Said proposed amendments were published in the Burbank Daily Review, a newspaper of general circulation printed and published in said City and having a general circulation therein, said newspaper being the official newspaper of said City, on the 4th day of April, 1969, in each edition thereof on said day, and said publication was made at the time and in the manner prescribed in Section 8, Article XI of the Constitution of the State of California.

Said legislative body caused copies of said amendments to be printed in convenient pamphlet form and in type of not less than ten-point, and caused copies thereof to be mailed to each of the qualified electors of said City, and, until the day fixed for said election, advertised in said Burbank Daily Review, a newspaper having a general circulation in said City, a notice that copies thereof could be had upon application therefor, and in accordance with said notice copies thereof could be had upon application therefor.

Said election was duly and regularly held on the said 27th day of May, 1969, which said date of the said election was not less than forty nor more than sixty days after the completion of the advertising in said newspaper of said proposed amendments, and at said election a majority of the qualified voters voting thereon voted in favor thereof and did ratify said proposed amendments to said City Charter.

Said proposed amendments were duly and regularly submitted to, and duly and regularly ratified by, the said quali-

fied voters of said City, and that all and singular the requirements of the Constitution and laws of the State of California and the Charter of said City have been complied with and that said amendments are as follows:

"CHARTER AMENDMENT No. 1

"A new section numbered 3.5 is added to the Charter of the City of Burbank to read as follows:

"Joint Powers.

"Section 3.5. The City shall have the power to contract with any governmental entity, regulated public utility, or other public or private corporation, to perform such services or to acquire, construct, or administer jointly such public works, public utilities, or other facilities, either inside or outside the City limits, as are beneficial to its citizens or the consumers of its utilities."

"CHARTER AMENDMENT No. 2

"Section 43 of the Charter of the City of Burbank is amended to read as follows:

"Municipal Bonded Indebtedness.

"Section 43. The incurring of any general obligation bonded indebtedness of the City shall require the votes of two-thirds of the voters voting at a special election to be held for that purpose; provided, however, that when two or more propositions for incurring any bonded indebtedness are submitted at the same election the votes cast for and against each proposition shall be counted separately and when two-thirds of the voters voting on any one of such propositions vote in favor thereof such proposition shall be deemed adopted. Such special election may be consolidated with any municipal, county, State or other election.

"Before or at the time of incurring such bonded indebtedness, provision shall be made as required by the Constitution of the State of California for the collection of an annual tax sufficient to pay the interest on such bonded indebtedness as it falls due and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. The Council may at any time use, for the payment of principal or interest of such bonds, revenues derived from sales or use taxes or any other revenues or income of the City not allocated to, set aside for, or required to be used for a specific purpose or constituting a special or trust fund.

"The provisions of this section shall not apply to revenue bonds issued pursuant to the provisions of the laws of the State of California or procedural ordinance of the City and payable solely from the revenues of a revenue producing system or facility of the City, and nothing in this section or else-

where in this Charter shall authorize the use of any revenues of any revenue producing system or facility of the City in any manner or for any purpose contrary to a covenant or agreement contained in any ordinance, resolution or other proceeding (whether taken or adopted before or subsequent to the adoption of this section) authorizing the issuance of revenue bonds payable from the revenues of such revenue producing system or facility."

This is to certify that we, George W. Haven, Mayor of the City of Burbank, and Marion W. Marshall, City Clerk of the City of Burbank, have compared the ratified amendments with the original proposed amendments submitted to the qualified electors of the said City, and find that the foregoing is a full, true, correct and exact copy of said amendments.

We further certify that the facts set forth in the preamble preceding said amendments to said Charter are true.

In witness whereof, we have hereunto set our hands and caused the corporate seal of the City of Burbank to be attached on this 10th day of June, 1969.

(SEAL)

GEORGE W. HAVEN
George W. Haven, Mayor of the City of Burbank, California
MARION W. MARSHALL
Marion W. Marshall, City Clerk of the City of Burbank, California

Approved as to form:
SAMUEL GORLICK
Samuel Gorlick
City Attorney

and

WHEREAS, Said amendments to the Charter of the City of Burbank so ratified as hereinbefore set forth have been duly presented and submitted to the Legislature of the State of California, for approval or rejection, without power of alteration or amendment, all in accordance with Section 8 of Article XI of the Constitution of the State of California, now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Burbank as proposed to and adopted and ratified by the electors of said city and hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments and as part of the said Charter of the City of Burbank.

RESOLUTION CHAPTER 215

Senate Concurrent Resolution No. 139—Relative to the retirement of Chester Russell Crain.

[Filed with Secretary of State June 25, 1969.]

WHEREAS, It has come to the attention of the members that Chester Russell Crain is voluntarily retiring as Mayor of the City of Compton and as an instructor at Compton College; and

WHEREAS, Born in Des Moines, Iowa, in 1914, Mr. Crain came to California in 1923, where he attended Compton High School and Compton Junior College, and received his bachelor's degree from Chapman College in 1935 and his master's degree from the University of Southern California in 1941; and

WHEREAS, He taught at Enterprise Junior High and Compton High Schools prior to becoming an instructor at Compton College in 1941, where he has taught English, and coached track, football, and basketball until the present; and

WHEREAS, Mr. Crain was elected to the Compton City Council in 1953 and has served as both a councilman and as the Mayor of Compton; and

WHEREAS, He is an active leader in many community organizations, including the Compton Chamber of Commerce, of which he was president in 1950, the Junior Chamber of Commerce where he was honored as "Young Man of the Year", and the Cancer Society where he was chairman for several years; now therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Chester Russell Crain for his many years of leadership and service to his community, congratulate him upon his retirement and extend their best wishes for many years of happiness with his wife, Thelma, and their children and grandchildren; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Chester Russell Crain.

RESOLUTION CHAPTER 216

Senate Joint Resolution No. 19—Relative to federal funds for urban public transit.

[Filed with Secretary of State June 25, 1969.]

WHEREAS, At the present time, federal participation in urban public transit programs is in no way comparable to the more adequate federal participation in aviation and highway programs; and

WHEREAS, It is impossible for state and local governments to plan expenditures and initiate programs in the area of urban public transit without having adequate and dependable assistance from the federal level; and

WHEREAS, A trust fund, similar to that set up for highway programs, which does not depend upon yearly congressional appropriations, is needed for urban public transit in order to allow for planning over a reasonable period of time; and

WHEREAS, There is now legislation before Congress embracing this trust fund concept and which is a step in the right direction; and

WHEREAS, It appears that urban public transit is a necessary adjunct to our highway system in California and throughout the nation, as a means of transporting the large populations of certain metropolitan areas; and

WHEREAS, The urban public transit trust funds should be drawn from a source other than highway trust funds, since in California, and other states, even at present rates of collection and expenditure of trust funds, highway needs will not be met; and

WHEREAS, Such federal assistance should also provide for protection of the interests of employees of presently existing transit systems which may be affected thereby with respect to collective bargaining rights, continuation of pension rights, paid retraining programs, reemployment priorities, and dislocation allowances; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation setting up a trust fund for the development and support of urban public transit systems with provisions to protect the interests and welfare of employees of existing transit systems; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Transportation, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 217

Assembly Concurrent Resolution No. 41—Relative to emergency oil pollution control.

[Filed with Secretary of State June 25, 1969.]

WHEREAS, The massive oil spillage from an offshore oil drilling operation on federal outercontinental shelflands in the Santa Barbara Channel has wreaked terrible damage and destruction to the scenic California coast and to the marine and coastal wildlife resources of the state; and

WHEREAS, The tragic extent of this disaster demonstrates the urgent need to develop emergency methods and equipment to quickly control oil pollution occurring in ocean waters due to drilling, seepage, transmission line break, or other accident; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members most strongly urge all oil companies operating off the coast of California, in recognition of the hazardous nature of their operations, to give the highest priority to the development of a portable oil control boom system with talcum, oil dispersants, and vacuuming equipment which can be transported on an emergency basis to quickly and effectively contain and control oil pollution from drilling, seepage, transmission line break, or other accident occurring in our coastal waters; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to such oil companies.

RESOLUTION CHAPTER 218

Assembly Concurrent Resolution No. 198—
Relative to Berlin.

[Filed with Secretary of State June 25, 1969]

WHEREAS, The Volksfest, sponsored annually by the United States Army Command in Berlin, promotes German-American goodwill in this historic city, 110 miles behind the Iron Curtain in East Germany; and

WHEREAS, The United States Army forces and other Allied troops in West Berlin maintain an "Island of Freedom" for all citizens of this city; and

WHEREAS, The theme of the 1969 Volksfest is "Los Angeles, Bridge to the Stars," with all proceeds derived therefrom donated to worthy causes and charitable organizations; and

WHEREAS, The City of Los Angeles, the largest city in the State of California, is honored to have been selected as the theme city for this year's Volksfest and welcomes the opportunity to display the products of its vast aerospace industry and the wonders of the Hollywood film industry, both of which have added immeasurably to the enrichment of all the world's citizens; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to extend the state's cordial best wishes to the United States Army in Berlin and its Commanding Officer, Major General Robert G. Ferguson, for a successful Volksfest observance, and wish the good citizens of Berlin health, happiness, and Godspeed for all time to come; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 219

Assembly Joint Resolution No. 29—Relative to payments to members of the Philippine Scouts.

[Filed with Secretary of State June 26, 1969]

WHEREAS, Legislation has been introduced in the Congress of the United States to provide adequate benefits for members and survivors of the Philippine Scouts; and

WHEREAS, The battlefields of Bataan and Corregidor are living testimony to the contributions made by the members of the Philippine Scouts during World War II; and

WHEREAS, The Philippine Scouts was established in 1901 as part of the United States Army after valiantly serving the Army as guides and as fighting men; and

WHEREAS, In World War II, members of the Philippine Scouts were permitted to and did enlist in the United States Army, and served hand in hand with the American soldiers in the fight to repulse the common enemy; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports legislation to provide adequate benefits for members and survivors of the Philippine Scouts, and urges Congress to enact such legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative in the Congress of the United States.

RESOLUTION CHAPTER 220

Assembly Concurrent Resolution No. 72—Relative to the preservation of the Mendocino Headland and Big River Beach area as a state park.

[Filed with Secretary of State June 26, 1969]

WHEREAS, The Mendocino Headland and Big River Beach area in Mendocino County is an area of great natural beauty and ecological significance and forms an essential part of the natural setting of the historic coastal village of Mendocino; and

WHEREAS, The scenic beauty, the unique ecological attributes, and the historical and cultural value of this area should be preserved for the enjoyment of future generations of Californians; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of Parks and

Recreation is directed to study the feasibility of preserving the Mendocino Headland and Big River Beach area in Mendocino County as a state park and to report its findings and recommendations to the Legislature no later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Parks and Recreation.

RESOLUTION CHAPTER 221

Assembly Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending the second and third paragraphs of Section 13 of Article XII thereof and by amending the second and third paragraphs of Section 30 of Article XIII, as proposed by Assembly Constitutional Amendment No. 31, relating to the investment of retirement funds.

[Filed with Secretary of State June 26, 1969]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That the second and third paragraphs of Section 13 of Article XII are amended to read:

Notwithstanding provisions to the contrary in this section and Section 25 of Article XIII of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but 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 corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and 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 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 25 of Article XIII of this Constitution, the Legislature may authorize the investment of moneys of any public pension or retirement fund, in stock 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); provided, however, 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.

And be it further resolved, That the Legislature having adopted Assembly Constitutional Amendment No. 31 at its 1969 Regular Session to propose, among other things, an amendment to Article XIII of the State Constitution by adding a Section 30 thereto for the sole purpose of transferring from Article XII to Article XIII, provisions relating to the state's lending its credit and owning stock in corporations, it is the intent of the Legislature, if both Assembly Constitutional Amendment No. 31 and Assembly Constitutional Amendment No. 15, 1969 Regular Session, are approved by the electors, that both shall be given effect regardless of the vote by which they are approved and that their provisions be construed together so as to give effect to both in the following manner:

First—That the second and third paragraphs of Section 30 of Article XIII, as proposed by Assembly Constitutional Amendment No. 31, adopted by the Legislature at the 1969 Regular Session, are amended to read:

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares

and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but 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 corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and 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 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund in stock 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); provided, however, 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.

Second—That the provisions of the second resolved clause of this measure shall become operative only if the amendment to Article XIII of the State Constitution proposed by Assembly Constitutional Amendment No. 31 of the 1969 Regular Session is approved by a majority of the electors, in which case the amendments to the second and third paragraphs of Section 13 of Article XII, as appearing in the first resolved clause of Assembly Constitutional Amendment No. 15, shall not become operative.

RESOLUTION CHAPTER 222

Assembly Concurrent Resolution No. 182—Relative to commending the contributions of the Chinese in the completion of the transcontinental railroad.

[Filed with Secretary of State June 26, 1969.]

WHEREAS, On May 10, 1869, at Promontory, Utah, flag-decorated special trains from the east and the west met for the triumphant golden spike ceremony marking the joining of the Central Pacific and the Union Pacific to complete the transcontinental railroad; and

WHEREAS, Chinese laborers represented four-fifths of the labor force, and at times more, for construction of the Central Pacific Railroad through the Sierra Nevada Mountains in the 1860's; and

WHEREAS, Leland Stanford, Central Pacific president, said of the Chinese workers, "Without them it would be impossible to complete the western portion of this great national highway in the time required by the acts of Congress"; and

WHEREAS, Charles Crocker, Central Pacific's construction chief, said "Without Chinese labor we would be thrown back in all branches of industry, farming, mining, reclaiming lands, and everything else"; and

WHEREAS, The Chinese workers, who contributed so much in the construction of the Central Pacific Railroad, took no part in the celebration marking the completion of the railroad; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members hereby recognize the major role played by the Chinese laborers in completion of the transcontinental railroad and the resulting growth and prosperity of California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to appropriate Chinese organizations throughout the state.

RESOLUTION CHAPTER 223

Assembly Concurrent Resolution No. 192—Approving amendments to the Charter of the City of Palo Alto, County of Santa Clara, State of California, ratified by the electors of said city at the general municipal election held on the 13th day of May, 1969.

[Filed with Secretary of State June 26, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of nine amendments to the Charter of the City of Palo Alto, a municipal corporation, in

the County of Santa Clara, State of California, as set forth in the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF PALO ALTO OF CHARTER AMENDMENTS

State of California
County of Santa Clara } ss:
City of Palo Alto

We, the undersigned, Edward S. Arnold, Mayor of the City of Palo Alto and presiding officer of the Council of the City of Palo Alto, and Jacqueline C. Klamm, City Clerk and clerk of the Council of said city, do hereby certify and declare as follows:

That the City of Palo Alto, a municipal corporation, in the County of Santa Clara, State of California, contains a population of over 50,000 inhabitants and ever since the year 1909 has been and is now organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California (Stats. 1909, page 1175); and

That the Council of the City of Palo Alto, as the legislative body of said city, did by Resolution No. 4209 submit on its own motion to the qualified electors of said City of Palo Alto at the 1969 general municipal election eight proposed amendments to the Charter of the City of Palo Alto; and

That the Council of the City of Palo Alto, as the legislative body of said city, did by Resolution No. 4213 submit on its own motion to the qualified electors of said City of Palo Alto at the 1969 general municipal election one additional proposed amendment to the Charter of the City of Palo Alto; and

That said proposed charter amendments were on April 1, 1969, being not less than forty days nor more than sixty days before said election, published in the Palo Alto Times, the official newspaper of said city and a newspaper of general circulation therein, and in each edition thereof during said day of publication, and said proposed amendments were printed in convenient pamphlet form and in type of not less than ten-point and copies thereof were mailed to each of the qualified electors of said city, and until the day fixed for the election upon said amendments it was advertised in said newspaper that the copies thereof could be had upon application therefor at the office of the City Clerk of said city; and

That said proposed amendments were duly and regularly submitted to the qualified electors of the City of Palo Alto in the manner provided in Section 8 of Article XI of the Constitution of the State of California and that said election, after due notice given and published, was duly and regularly held in the City of Palo Alto on May 13, 1969; and

That the returns of said election were canvassed and it was duly found, determined and declared that the amendments to the Charter of the City of Palo Alto hereinafter set forth were ratified by a majority of the electors of said city voting thereon; and

That the Council of said city did by its Resolution No. 4251 adopted May 19, 1969, duly declare the results of said election as determined by the canvass of the returns thereof; and

That as to said charter amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith; and

That said amendments to the Charter of the City of Palo Alto are as follows:

(a) Section 15 of Article III is amended to read as follows:

"Sec. 15. Franchises granted by electors; term. No franchise shall be granted by the council, but may be granted by the electors by ordinances proposed and adopted as provided in Section 2 of Article VI of this charter; provided, that the petition therefor shall be signed by qualified and registered voters equal in number to at least twelve percentum of the number of registered voters at the last preceding general municipal election; and provided further, that no franchise shall be granted for a longer term than twenty-five years."

(b) Section 17 of Article III is amended to read as follows:

"Sec. 17. Salary of councilmen; councilmen barred from other city office. No member of the council shall hold any other office or employment the compensation for which is paid out of the moneys of this City. No member of the council shall be elected or appointed to any city office for which compensation is paid until one year after the termination of his membership in the council, either by resignation or expiration of his term. Compensation may be paid councilmen in amounts not to exceed those provided by general law."

(c) Subsection p. of Section 6 of Article IV is amended to read as follows:

"p. To coordinate the purchasing for all departments of the City. No purchase shall be made without the approval of the city manager and city controller."

(d) Section 2 of Article VI is amended to read as follows:

"Sec. 2. Initiative. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance, and the signatures, verifications, and duties of the clerk in respect to the petition provided in Section 1 of this Article for the recall shall apply to petitions of initiative. Before circulating an initiative petition the proponents shall publish a notice of intention so to do in conformance with the provisions of general law.

"If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number to six percentum of the number of registered voters at the last general municipal election the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time after thirty days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twelve percentum of said number of registered voters at the last general municipal election and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within sixty days from the filing of such petition.

"The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words "For the Amendment," or "Against the Amendment," or ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be a valid and binding ordinance of the City. Any ordinance adopted by the electors under the provisions of this article cannot be repealed or amended, except by a vote of the people obtained in the manner hereinbefore stated, unless such ordinance shall otherwise provide.

"Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months."

(e) Section 3 of Article VII is amended to read as follows:

"Sec. 3. Candidates' designation. No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate, except that an incumbent shall be so designated. The order of listing of candidates' names on the ballot shall be determined by lot."

(f) Article VIII is amended to read as follows:

"Article VIII. Parks

"All lands owned or controlled by the city which are or will be used for park, playground, recreation or conservation purposes shall be dedicated for such purposes by ordinance.

"No land heretofore or hereafter dedicated for such purposes shall be sold or otherwise disposed of, nor shall its use be abandoned or discontinued except pursuant to majority vote of the electorate. Any election and related procedures under Article VIII shall conform to the provisions set forth in general law as it existed January 1, 1965, except that the council may call such election by majority vote.

"No substantial building, construction, reconstruction or development upon or with respect to any lands so dedicated shall be made except pursuant to ordinance subject to referendum."

(g) Subsection (b) of Section 2 of Article VIII-A is amended to read as follows:

"(b) Time of election. The election and recall of members of the Board of Education shall be held at the times and in the manner provided by the Education Code of the State of California; provided, however, in the year 1951 five members shall be elected and the members so elected shall classify themselves by lot so that the terms of the members shall expire, respectively, one, two, three, four and five years after the first day of July, 1951."

(h) Section 1 of Article IX is amended to read as follows:

"Sec. 1. Compliance with Constitution. This charter may be amended on compliance with the provisions of the Constitution of the State of California."

(i) Section 1 of Article VI is amended to read as follows:

"Sec. 1. Recall. Proceedings may be commenced for recall of any councilman by the service, filing and publication of a notice of intention to circulate a recall petition. Proceedings may not be commenced unless, at the time of commencement, the councilman has held office for at least six months and no recall petition has been filed against him within the preceding six months.

"The petition demanding the recall of the councilman sought to be recalled, signed by registered voters equal in number to at least twelve percentum of the number of registered voters at the last general municipal election, shall be filed with the clerk. One election is sufficient for the recall of one or more councilmen, but a separate petition is necessary to propose the recall of each councilman.

"No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the councilman sought to be recalled, a statement in not more than five hundred words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail,

on the councilman sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk.

"Within seven days after the filing of the notice of intention, the councilman sought to be recalled may file with the clerk an answer in not more than five hundred words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. The notice, statement and answer, if any, shall be published in a newspaper of general circulation.

"Seven days after the publication 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 councilman has not answered, the petition shall so state. Signatures shall be secured and the petition filed within ninety 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.

"The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating that all the signatures to the attached section were made in his presence, and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name purports to be thereunto subscribed, and no other affidavit thereto shall be required. Each signature, the genuineness of which is not called in question by the sworn affidavit of the alleged owner thereof, shall be presumed to be genuine. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall add to his signature the date of signing and his place of residence, giving the street and number. When filed with the clerk, the petition shall have designated therein the name or number of the respective precinct in which each of the signers resides.

"Within ten days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is

shown to be insufficient, it may be amended by additional signatures within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

"If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election, not less than forty days nor more than fifty days from the date of the clerk's certificate to the council that a sufficient petition is filed. Candidates for this election shall file with the city clerk not less than thirty-five days before the election.

"The clerk shall mail to each voter a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the councilman sought to be recalled. If the recall of more than one councilman is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those of any other councilman.

"There shall be printed on the recall ballot, as to each councilman whose recall is to be voted on, the question: 'Shall (name of person) be recalled from the office of councilman?' followed by the words 'yes' and 'no'. If a majority of those voting on any question voted in favor of the removal of an incumbent, he shall be deemed removed from office upon the qualification of his successor.

"On the recall ballot, under each question, there shall be printed the names of those persons who have been nominated in the manner provided herein as candidates to succeed the incumbent if he is recalled. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If the vote recalls the councilman, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within ten days after receiving the certificate of election, the office shall become vacant. Said election shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, that if there be any conflict of provisions this charter shall control."

In witness whereof, we have hereunto set our hands and caused the seal of the City of Palo Alto to be affixed hereto this 22 day of May 1969.

EDWARD S. ARNOLD
(SEAL) Mayor of the City of Palo Alto
JACQUELINE C. KLAMM
City Clerk of the City of Palo Alto

and

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection, as a whole, without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That said amendments to the Charter of the City of Palo Alto as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole without amendment or alteration for and as amendments to and as a part of the Charter of the City of Palo Alto.

RESOLUTION CHAPTER 224

Senate Concurrent Resolution No. 17—Relative to the California Law Revision Commission.

[Filed with Secretary of State June 27, 1969.]

WHEREAS, Section 10335 of the Government Code provides that the approval of the Legislature, by concurrent resolution, is required in order for the California Law Revision Commission to undertake and carry forward studies; and

WHEREAS, The commission in its annual report covering its activities for 1968 describes three new topics which the Legislature has not previously authorized the commission to study; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature authorizes the California Law Revision Commission to make studies of the following topics:

(1) Whether the law relating to counterclaims and cross-complaints should be revised;

(2) Whether the law relating to liquidated damages in contracts and, particularly, in leases, should be revised.

(3) Whether the law relating to joinder of causes of action should be revised; and

(4) Whether Civil Code Section 715.8 (rule against perpetuities) should be revised or repealed.

(5) Whether the law relating to the right of nonresident aliens to inherit should be revised.

(6) Whether the law giving preference to certain types of actions or proceedings in setting for hearing or trial should be revised.

RESOLUTION CHAPTER 225

Assembly Concurrent Resolution No. 205—Approving the charter amendments to the Charter of the City of Compton, State of California, ratified by the qualified electors of said city at a special municipal election held therein on the sixth day of May, 1969.

[Filed with Secretary of State June 30, 1969]

WHEREAS, The City of Compton, in the County of Los Angeles, State of California, contains a population in excess of 3,500 inhabitants, and has been ever since the year 1948, and now is organized and acting under a charter, adopted under and by virtue of Section 8 of Article 11 of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city, at a special municipal election held for that purpose on the third day of December, 1947, and approved by the Legislature of the State of California (Statutes 1948, page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California, the 11th day of March, 1948, (Statutes 1948, page 236) ; and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the Charter of the City of Compton, as set out in the certificate of the Mayor and the City Clerk of said City of Compton, to wit:

CERTIFICATE OF ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF COMPTON AT AN ELECTION HELD ON THE 6TH DAY OF MAY, ONE THOUSAND NINE HUNDRED AND SIXTY-NINE, OF CERTAIN AMENDMENTS TO THE CHARTER OF THE CITY OF COMPTON, STATE OF CALIFORNIA.

State of California
County of Los Angeles } ss.
City of Compton

We, Chester R. Crain, Mayor of the City of Compton, and Mrs. Doris A. Davis, City Clerk of the City of Compton, do hereby certify as follows:

That said City of Compton, in the County of Los Angeles, State of California, is now and was at all the times herein mentioned, a City containing more than Thirty-five Hundred inhabitants and with less than 72,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

That said City of Compton is now and was at all the times herein mentioned organized and existing under a Charter, adopted under the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by a majority of the electors of said City at a special municipal election held therein on the 3rd

day of December, 1947, and approved by the Legislature of the State of California (Statutes of 1948, page 236), and by resolution of said Legislature filed with the Secretary of State of the State of California, on the 11th day of March, 1948 (Statutes 1948, page 236); and

Pursuant to the provisions of Section Eight of Article Eleven of the Constitution of the State of California, the Legislative Body of said City, namely: The City Council of the said City, did on its own motion and pursuant to the provisions of Section Eight, of Article Eleven of the Constitution of the State of California, duly propose to the electors of said City of Compton certain amendments to the Charter of said City; and ordered that said amendments be submitted to said electors of said City at the Primary Nominating Election to be held in said City on the 6th day of May, 1969; and

That said proposed amendments were, on the 23rd day of March, 1969 duly published in the "Compton Herald-American", a newspaper of general circulation, published in the City of Compton, and the official newspaper of said City, and the newspaper designated by said City Council for that purpose, and in each edition thereof;

That said proposed amendments were duly and legally printed in convenient pamphlet form and, at and during the time and in the manner provided by law, a notice was published in said "Compton Herald-American" that such copies of said proposed amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed amendments so printed in convenient pamphlet form were duly and legally distributed in the manner provided by law; and

That said City Council did, by Ordinance designated as Ordinance No. 1339, which was duly adopted on the 18th day of March, 1969, provide for the submission to the electors of said City of the charter amendments at the City Primary Nominating Election on May 6, 1969, which date was more than forty (40) and less than sixty (60) days after the completion of the publication of said proposed amendments to the Charter of the City of Compton, as aforesaid; and

That said primary nominating election was held in said City on said 6th day of May, 1969, which date was more than forty (40) and less than sixty (60) days after said proposed amendments to said Charter had been published in said "Compton Herald-American", as aforesaid; and

That at said primary nominating election held as aforesaid, on said 6th day of May, 1969, a majority of the voters voted in favor of said proposed amendments to the Charter of the City of Compton, and duly ratified the same; and

That the City Council of the City of Compton after duly canvassing the returns of said primary nominating election at the time and in the manner and form prescribed by law, duly found, determined and declared that a majority of the quali-

fied voters voting thereon, had voted in favor of and ratified said proposed amendments to the Charter of the City of Compton, which amendments are in words and figures as follows, to wit:

Charter Amendment No. 1:

"Section 1106. Appointments. Upon the receipt of notice of a vacancy in the Classified Service, the clerk of the Personnel Board shall certify to the appointing power the names of the three highest candidates on the eligible list for such position. No candidate may be certified more than three times for any one classified position.

"The Personnel Board, with the consent of the appointing power, may authorize the certification of less than three names for appointment in the event there remains less than three names on an eligible list and in the opinion of the Personnel Board conditions warrant such action. When no eligible lists are available, the Personnel Board, under such rules and regulations as it shall prescribe, may authorize the appointing power to make temporary appointments in the Classified Service, in order to prevent the stoppage of public business and in order to meet extraordinary conditions, which appointments shall remain in force until regular appointments can be made, but in no case to exceed ninety (90) days in any calendar year.

"If sufficient number of applicants for a position in the Classified Service is not received, after advertising therefor has been completed in conformity with this Charter and Rules and Regulations adopted hereunder, the Personnel Board may authorize an examination to proceed as to a lesser number of qualified applicants.

"All original appointments shall be for a probationary period of one year during which the employee may be rejected at any time without right of appeal or hearing in any manner.

"All promotional appointments shall be for a probationary period of six months during which time the employee may be rejected at any time without right of appeal or hearing in any manner. An employee rejected during the probationary period from a position to which he has been promoted, shall be reinstated to the position from which he was promoted, unless charges are filed and he is discharged as provided in this Charter and the rules."

Charter Amendment No. 2:

"Section 1409. Contracts on Public Works. Every contract involving an expenditure of more than Seven Thousand Five Hundred ($7,500.00) Dollars for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds shall be let to the lowest responsible bidder after notice

by publication in the official newspaper by one or more insertions, the first of which shall be at least ten days before the time for opening bids.

"The City Council may reject any and all bids presented and may readvertise in its discretion.

"The City Council, without advertising for bids, or after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees and after the adoption of a resolution to this effect by at least four affirmative votes, it may proceed to have the said work done in this manner stated without further observance of the provisions of this section. Such contracts likewise may be let without advertising for bids, if such work shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by motion passed by at least four affirmative votes and containing a declaration of the facts constituting such urgency."

Charter Amendment No. 3:

"The Charter of the City of Compton is hereby amended by deleting Section 1412 of said Charter."

Charter Amendment No. 4:

"Section 500. Enumeration of and Term. The elective officers of the City shall consist of:

"A City Council composed of five (5) members, four to be residents of their respective districts and nominated and elected from the City at large. The fifth to be both nominated and elected from the City at large and to be known as the Mayor;

"A Board of Education composed of five (5) members;

"A City Clerk;

"A City Treasurer; and

"A City Attorney.

"All of the elective officers, with the exception of the members of the Board of Education, shall serve for a term of four years. The terms of office of the members of the City Council residing in districts two and three, and the terms of office of the Mayor, City Clerk, City Treasurer and City Attorney elected in 1969 shall expire in the year 1973. The terms of office of the present members of the City Council residing in districts one and four shall expire in the year 1971.

"The terms of all elective officers other than members of the Board of Education shall commence on July first following their election and each shall serve until his successor is elected and qualified. Any ties in voting shall be settled by the casting of lots.

"Provided however, that the City Council, on and after the operative date (as the term "operative date" is hereafter

defined) shall be composed of seven members, six to be residents of their respective districts and nominated and elected from the City at large and the seventh to be both nominated and elected from the City at large and to be known as the Mayor.

"At any time when the City Council finds by ordinance adopted by not less than four affirmative votes that the population of the City exceeds 100,000 persons, the City Council shall thereupon, and within sixty days after the effective date of such ordinance, adopt an ordinance by at least three affirmative votes dividing the City into six districts for the purpose of electing members of the Council.

"Said districts so revised and fixed shall comprise as nearly as practicable equal numbers of voters as determined by the records of the registration of voters of Los Angeles County on file with the Registrar of Voters of said County and be composed of contiguous and compact territory and bounded by natural boundaries or street lines.

"The ordinance shall provide for districts so that each Councilman then in office will reside within the district bearing the number of the district from which he was elected and district five and district six shall not include the residence of any of the members of the Council except that either such district may include the residence of the Mayor.

"Within thirty days after the effective date of the ordinance establishing six council districts the Council shall, in the manner provided by law, call a special election for the purpose of holding an election for a councilman from district five and a councilman from district six. If any candidate receives a majority for either of such offices, the City Council shall declare such candidate, or candidates (as the case may be) elected. If no candidate for either or both of such offices receives a majority, a final election shall be held on the fourth Tuesday following said election between the two candidates receiving the highest vote in the first election for each or either of said offices. Following said second election, the City Council shall declare the candidate receiving the highest vote for each or either of said offices elected.

"Such elections, including the nominations, notice, canvass and other proceedings, shall follow as near as may be practicable the procedures for election of councilmen in primary nominating elections and general municipal elections. The Council may provide procedures for such elections by ordinance.

"When the Council has declared a candidate elected for district five and a candidate elected for district six, the provisions for a seven member City Council shall become operative at 12:01 a.m. on the seventh day after such declaration or if candidates are declared elected in the two districts at different times, at 12:01 a.m. on the seventh day after the last such declaration. Such seventh day is herein defined as the operative date.

"The councilman elected in the first instance from district five shall serve a term that shall commence on the operative date and shall end at the same time that the term of the councilman from district one ends The councilman elected in the first instance from district six shall serve a term that shall commence on the operative date and end at the same time as the term of the councilman from district two ends.

"Councilmen thereafter elected from districts five and six shall serve for a term of four years.

"On and after the operative date, the City shall be divided into six districts notwithstanding the provisions of Section 501 of this Charter.

"Notwithstanding the provisions of Section 502 of this Charter, on and after the operative date, the City Council may change the boundaries of the six districts into which the City has been divided by ordinance adopted by at least five affirmative votes whenever, in the opinion of the City Council, such is necessary to better equalize the population among the respective districts.

"On and after the operative date whenever the provisions of this Charter call for three affirmative votes, or the concurrence of three members of the City Council, or otherwise provide for an action to be taken by three members of the City Council, such provision shall be construed to require four affirmative votes, or the concurrence of four members of the City Council, or otherwise provide for an action to be taken by four members of the City Council

"On and after the operative date whenever the provisions of this Charter call for four affirmative votes, or the concurrence of four members of the City Council, or otherwise provide for an action to be taken by four members of the City Council, such provision shall be construed to require six affirmative votes, or the concurrence of six members of the City Council, or otherwise provide for an action to be taken by six members of the City Council

"Notwithstanding the provisions of Section 502 of this Charter, on and after the operative date a person shall be deemed to have been a resident of the City or a district for one year preceding an election if he has resided for a period of one year at a place which is, at the time of the election, within the City or the district."

Charter Amendment No. 5:

"Section 504. Compensation of Members of the City Council, Various Board and Commissions. The members of the City Council shall receive reimbursement for necessary traveling and other expenses when on official duty out of the City on order of the City Council. In addition, members of the City Council, except the Mayor, shall receive a salary of $300.00 per month, and the Mayor a salary of $400.00 per month.

"Other Elective Officers. The other elective officers, excepting the members of the Board of Education, shall severally receive at stated times a compensation for their services in their respective capacities to be fixed by ordinance adopted by the City Council, which compensation for such services shall not be increased or diminished as to any such officer after his election or appointment and during his term of office, nor within thirty days prior to the date when nomination papers for the position may be filled."

"Section 900. Members and Terms. The Board of Education of the Compton School District shall consist of five members elected from the District at large and who shall serve for a term of four years. The provisions of the Education Code of the State of California governing elections of boards of trustees, as they now exist or may hereafter be amended, shall govern elections of members of the Board of Education, except as otherwise herein provided. Elections shall be held biennially in the odd numbered years.

"The members of the Board of Education holding offices when this Charter takes effect shall continue in office thereafter until their respective terms of office shall expire and until their successors shall be elected and qualified. At each biennial election three members of the Board shall be elected. The two receiving the highest number of votes being elected to terms of four years each and the third to a two-year term.

"The members of the Board of Education shall each be paid Twenty Dollars ($20.00) for each meeting attended but not to exceed two (2) meetings in each month."

"Section 1005. Compensation. Vacancies. That the members of the Planning Commission shall be paid One Hundred-Fifty ($150.00) Dollars per month. That the members of the Personnel Board and the Recreation and Parks Commission shall be paid Twenty ($20.00) Dollars for each meeting attended but not exceeding two (2) meetings in each month.

"Any vacancies in any board or commission from whatever cause arising, shall be filled by appointment by the City Council. If a member of a board or commission absents himself from all regular meetings of such board or commission, for a period of sixty (60) days, consecutively (from and after the last regular meeting of such board or commission attended by such member) unless by permission of the City Council, expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a qualified elector of the City, his office shall become vacant and shall be so declared by the City Council."

That the foregoing is a full, true and correct copy of said proposed amendments to the Charter of the City of Compton, ratified by the electors of said City, as aforesaid, on file in the office of the City Clerk of the said City of Compton.

In witness whereof, Chester R. Crain, Mayor, as aforesaid, and Mrs. Doris A. Davis, City Clerk, as aforesaid, have here-

unto set their hands and caused the corporate seal of the City of Compton to be thereunto duly affixed, on this 10th day of June, 1969.

(SEAL)

CHESTER R. CRAIN
Mayor of the City of Compton
MRS. DORIS A. DAVIS
City Clerk of the City of Compton
by ELEANOR A. CINCOTTA
Deputy

and

WHEREAS, Said proposed amendments to the Charter of the City of Compton, ratified by the electors of said city, as aforesaid, have been submitted to the Legislature of the State of California for approval or rejection, without alteration or amendment in accordance with Section 8 of Article 11 of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor, and concurring therein, That said proposed charter amendments of the City of Compton, ratified by the electors of said city as aforesaid, as presented to, adopted and ratified by the qualified electors of said City of Compton, be and the same are hereby approved as a whole, without amendment or alteration, as the amendments to the Charter of the City of Compton, and as a part of said Charter of the City of Compton.

RESOLUTION CHAPTER 226

Assembly Concurrent Resolution No. 144—Relative to opinions of the Legislative Counsel.

[Filed with Secretary of State June 30, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That whenever the Legislative Counsel issues an opinion concerning any particular executive reorganization plan submitted to the Legislature pursuant to Article 7.5 (commencing with Section 12080), Chapter 1, Part 2, Division 3, Title 2 of the Government Code, he is authorized and instructed to deliver two copies of the opinion to the chairman of each standing committee to which such plan is assigned.

RESOLUTION CHAPTER 227

Assembly Concurrent Resolution No. 197—Relative to Bill of Rights Week.

[Filed with Secretary of State June 30, 1969]

WHEREAS, The traditional rights and freedoms we enjoy as citizens of a great democracy are based upon the fundamental liberties and responsibilities set forth in the Bill of Rights—the first ten amendments to the United States Constitution; and

WHEREAS, The Bill of Rights guarantees to every American his basic rights; and

WHEREAS, All of our citizens, regardless of race or creed, laborer or employer, must stand firmly on the basic principles outlined in the Bill of Rights and preserve the valued privileges guaranteed therein; and

WHEREAS, December 15, 1969, marks the 178th anniversary of the addition of the Bill of Rights to our Federal Constitution; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to proclaim December 14 to 20, 1969, "Bill of Rights Week" in California and to call upon the people of the State of California to observe such week with appropriate ceremonies and activities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 228

Assembly Joint Resolution No. 35—Relative to establishing interstate motorbus safety standards.

[Filed with Secretary of State June 30, 1969]

WHEREAS, The motorbus is an essential means of transportation today in interstate commerce and in many cases is the only means of local transportation; and

WHEREAS, The design and construction of motorbuses are engaged in by only a few very large corporations, necessitating sale in interstate commerce; and

WHEREAS, In California alone over the past year there have been 59 accidents in which one or more motorbus passengers have been killed, the March 7, 1968, catastrophe in Baker resulting in 20 fatalities alone, and 1,984 accidents involving motorbuses in which passengers were injured; and

WHEREAS, On January 11, 1969, a chartered motorbus carrying 37 children from Orinda in Contra Costa County spun out of control on a curve on Interstate 80 just west of Sacramento and overturned, killing one boy thrown from the bus upon impact and injuring the driver and 31 others, many very seriously; and

WHEREAS, Observations and studies made by the California Highway Patrol and the Institute of Transportation and Traffic Engineering, University of California, Los Angeles,

strongly show that both fatalities and injuries may be materially and markedly reduced by introducing certain specific requirements in the design and construction of motorbuses, most especially in the interior design; and

WHEREAS, Matters of safety exits, seat belts together with seat design, windows popping out on impact, interior padding, compartment anchoring, and protruding interior fixtures have been extremely significant factors affecting fatalities and injuries, especially of children; and

WHEREAS, These matters would best be resolved by the establishment of a scheme of safety standards to which motorbuses sold and used in interstate commerce would have to be designed and constructed; and

WHEREAS, California believes and the national statistics would appear to indicate that the entire matter of safety standards for the construction of motorbuses used or sold in interstate commerce is one of national concern and best established by a comprehensive scheme of national regulation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Secretary of the United States Department of Transportation to establish national safety standards for the design and construction of motorbuses used or sold in interstate commerce; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Secretary of the United States Department of Transportation, the Chairman of the National Transportation Safety Board, to each Senator and Representative in the United States Congress from California, to the Commissioner of the California Highway Patrol, and to the Director of the California Department of Motor Vehicles.

RESOLUTION CHAPTER 229

Senate Concurrent Resolution No. 132—Relative to "Discover Flying Month."

[Filed with Secretary of State July 1, 1969.]

WHEREAS, The "Discover Flying" program has been initiated to demonstrate the significant role of general aviation in the nation's transportation and communication system; and

WHEREAS, General aviation provides an increasingly important dimension to air transportation in the State of California through excellent facilities which encourage business and industry to locate here, and engaging the services of many citizens in occupations which support the operations of general aviation aircraft; and

WHEREAS, The California Aeronautics Board and the Division of Aeronautics are dedicated to aviation progress through airport development improvement, safety, and education; and

WHEREAS, It is in the interest of all citizens that the total transportation capabilities of California be strengthened and sustained through continued progress in general aviation; and

WHEREAS, For such reasons it is desirable that citizens be made better aware of the contributions of general aviation to the social, economic and technical advance of the State of California, and that they be encouraged to participate more actively in flying as a means of continuing the further development of general aviation as a vital resource; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge Governor Reagan to designate June 1969 as "Discover Flying Month"; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and suitably prepared copies of this resolution to the "Discover Flying Committee Information Office" and to the California Aeronautics Board.

RESOLUTION CHAPTER 230

Senate Concurrent Resolution No. 141—Relative to ringing of bells on the Fourth of July.

[Filed with Secretary of State July 1, 1969.]

WHEREAS, At the hour of 2 o'clock in the afternoon of the Fourth of July 1776, the great Liberty Bell at Independence Hall, Philadelphia, Pennsylvania, was loudly tolled to herald throughout the land the signing of our Declaration of Independence; and

WHEREAS, The signing and adoption of this historic document symbolized the birth of our nation as a free and democratic state, founded in justice and equality; and

WHEREAS, It is fitting that the anniversary of this great event should be appropriately observed in each year at the same moment throughout the nation; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to proclaim that the anniversary of the signing of the Declaration of Independence should be observed by ringing of bells throughout the state at the hour of 11 o'clock in the morning of the Fourth of July and that civic and community leaders in the state be urged to take appropriate steps to encourage public participation in such observance; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 231

Senate Concurrent Resolution No. 138—Relative to commending Bob Hope.

[Filed with Secretary of State July 3, 1969.]

WHEREAS, It is with the greatest acclaim that the Members of the Legislature wish to laud one of California's outstanding citizens, a man held by all of us with great affection, one who for a generation and more has brought laughter and happiness to millions of our fellow Americans, one who is with it with us all: Bob Hope; and

WHEREAS, Bob, a comedian par excellence, indefatigable peripatetic, has as much made a career of winging his way about this globe of ours as he has of making us laugh, for he has chalked up some six million air miles in entertaining us, our troops in the war zones, and, as our unofficial diplomat and purveyor of the spirit of America, many of the diverse peoples of distant lands; and

WHEREAS, In recognition of his unselfish dedication to the cause of peace and the devotion of his time and talents to the task of bringing joy and humor to Americans far from home, President John F. Kennedy presented Bob, in September 1963, the Congressional Gold Medal, an honor he shares with but few other great Americans; and

WHEREAS, Though we may never know why Ponce de León failed, we strongly suspect Bob got there first for his record is incredible: he has done 53 movies so far, written 6 books, appeared in over 1,000 radio and more than 250 TV shows to date, received over 800 awards, been awarded 8 honorary degrees, entertained over 2,000,000 GI's in the United States and at least 13 countries, has been honored by 3 presidents, received the entertainment industry's highest honors, and even has been known to have been invited to Bing Crosby's birthday party; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members commend Bob for his superlapendous contribution to the national funnybone, his genuine creativity, and his empathy and affection for every human being; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Bob Hope.

RESOLUTION CHAPTER 232

Assembly Concurrent Resolution No. 213—Relative to California Bicentennial.

[Filed with Secretary of State July 7, 1969.]

WHEREAS, In the year 1769, after many hardships and disappointments, Governor Gaspar de Portolá and Fray Junípero Serra established California's first permanent settlement in what now is the City of San Diego; and

WHEREAS, In that year, Governor Portolá led an expedition up the lower Baja California coast to a point overlooking San Diego Bay; and Father Serra established the Mission de Alcalá, the first of the 21 missions; thus these two pioneers laid the foundation of the route which later became El Camino Real; and

WHEREAS, This, then, was the beginning of civilization in the Golden State, that is now the most populous in the Union, glorying in achievements unparalleled in the history of mankind; and

WHEREAS, It is most fitting and proper that the present generation honor this historical milestone of the past, and express its appreciation of the rich cultural and historical heritage of our great state; and

WHEREAS, The California Legislature did, on November 16, 1967, by resolution petition the Postmaster General of the United States to issue a stamp commemorating California's bicentennial; and

WHEREAS, The United States recognized this achievement and will issue a California bicentennial commemorative stamp on July 16, 1969, in the City of San Diego; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Governor is requested to proclaim July 16, 1969, "California Bicentennial Day" and to urge all citizens of California to take cognizance of the issuance of the California bicentennial stamp at San Diego and to participate appropriately in the observance of California's 200th birthday throughout 1969; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 233

Assembly Concurrent Resolution No. 56—Relative to an appropriation to the Joint Legislative Retirement Committee.

[Filed with Secretary of State July 9, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Joint Legislative Retirement Committee and its members and for any charges,

expenses or claims it may incur, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 234

Assembly Concurrent Resolution No. 225—Relative to commending the American Dairy Princess.

[Filed with Secretary of State July 10, 1969]

WHEREAS, Miss Frances Bispo has been chosen as the 1969 American Dairy Princess; and

WHEREAS, Miss Bispo won this distinguished honor in competition with a select field of 32 candidates; and

WHEREAS, She had previously been honored as the California Dairy Princess for 1968–1969, and is the first California contestant to win this national honor; and

WHEREAS, Upon completion of her important responsibilities as American Dairy Princess, she will continue her education at Merced College, where she is majoring in speech therapy; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members congratulate Frances Bispo upon her election as American Dairy Princess; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Miss Frances Bispo.

RESOLUTION CHAPTER 235

Assembly Concurrent Resolution No. 183—Relative to memorializing former Assemblyman Stewart Hinckley and his wife, Bertha.

[Filed with Secretary of State July 10, 1969.]

WHEREAS, The California Legislature has learned of the tragic death of its former colleague Stewart Hinckley and his beloved wife, Bertha; and

WHEREAS, Stewart Hinckley was born in Bryn Mawr, California, on November 23, 1902, and attended public schools in Redlands and graduated from Pomona College; and

WHEREAS, He served honorably in the United States Army during World War II as a member of the Fourth Air Force; and

WHEREAS, He married Bertha Craig on October 12, 1927, and she was his loving and devoted wife for 41 years; and

WHEREAS, He served first as a Member of the California Assembly from 1947 to 1954 and then joined the administration of President Dwight Eisenhower as Director of the Farmers Home Administration of the Department of Agriculture until 1961; and

WHEREAS, In 1962 he was again elected to office as Assemblyman from the 73rd District and ably represented the citizens of Redlands, the high desert area and portions of San Bernardino; and

WHEREAS, He brought to the Assembly a broad background of agricultural experience and knowledge together with a practical appreciation of the needs of business and labor and was uniquely suited to represent the diversified interests of the 73rd District; and

WHEREAS, During Stu's tenure in the Legislature he was a member of many important committees including the Committees of Agriculture, Water, and Ways and Means, and the Joint Committee on Fairs and Allocations; and

WHEREAS, His capabilities as an effective and able legislator gained the recognition of his colleagues as witnessed by his appointment as Chairman of the Budget Conference Committee and Chairman of the Assembly Fish and Game Committee, and

WHEREAS, He was an active member of his community, an able businessman and owner of the Hinckley Orange Grove Company, and was for many years a prominent and beloved leader within the citrus industry; and

WHEREAS, Stu and Bertha Hinckley were the loving parents of their daughter, Nancy, and son, Stewart, and devoted to their six grandchildren; and

WHEREAS, Stu was an active member of the Episcopal Trinity Church and a firm believer in Almighty God; and

WHEREAS, He was an inspiring member of many flying clubs including the Flying Farmers of California, Inc., the National Pilots Association, and the Aircraft Owners and Pilots Association; and

WHEREAS, He was active in many civic organizations including the Masons, the Elks, the Native Sons of the Golden West and the American Legion; and

WHEREAS, His colleagues knew Stu best as "the Old Gray Fox"—a firm and principled lawmaker who never wavered from his beliefs in the face of strong dissent, yet who always felt compassion for his fellow man; and

WHEREAS, Less than one year ago, the California Assembly paid to Stewart Hinckley its highest tribute when it rendered warm accolades to its colleague upon his retirement after 17 enriched years of service to his state and to the nation; and

WHEREAS, The California Legislature shall miss the sincerity and beauty of this wonderful couple, Stewart and Bertha, who graced us and our own families with their presence; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members pause to give tribute to a man whose contributions to this state and to its citizens will always serve as an inspiration to others, and to offer their condolences to the family of Stewart and Bertha Hinckley; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to Nancy Silberberger and Stewart C. Hinckley.

RESOLUTION CHAPTER 236

Assembly Concurrent Resolution No. 207—
Relative to Safe Boating Week.

[Filed with Secretary of State July 10, 1969.]

WHEREAS, Pleasure boating is a form of recreation which can be enjoyed by everyone, and more and more Californians are discovering its benefits; and

WHEREAS, This sport takes place in a relatively unfamiliar environment subject to swift and sometimes violent change; and

WHEREAS, Boating waters of the state are limited and the number of boats using them is increasing, resulting in high concentrations in some areas; and

WHEREAS, The safe operation of boats requires special understanding of boat handling, traffic rules, and the forces of nature, and the exercise of sound judgment; and

WHEREAS, It is the responsibility of all who engage in boating and its related activities to operate safely on our waterways in order to preserve the enjoyable character of this majestic sport; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature of the State of California encourage all the citizens of California using the waters of the state to increase their knowledge of boating safety laws and practices, and to use such knowledge to make a safer and more enjoyable boating environment for themselves and their fellow men; and be it further

Resolved, That the Governor be requested to proclaim the week commencing June 29, 1969, as Safe Boating Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 237

Assembly Concurrent Resolution No. 211—Relative to the death of Leif Johnson.

[Filed with Secretary of State July 10, 1969.]

WHEREAS, The Members of the Legislature were deeply saddened to hear of the death of Leif Johnson, noted Fullerton civic leader and editor of the Daily News Tribune; and

WHEREAS, Leif Johnson, newspaperman, greatly respected, a man of sincerity, of dignity, of honor; a man of outstanding perception and understanding, one who dedicated himself to his newspaper, his friends, and to the people, leaves this community with a great loss, a loss most difficult to fill; and

WHEREAS, He was a man with a strong sense of civic duty, a man who believed in his community and worked to keep it viable; his leadership was felt by every citizen, his advice, very much coveted, and he was a man much honored both from within his profession and from without; and

WHEREAS, Leif Johnson's interests and his civic efforts varied widely: Children touched him deeply and he worried about the problems of youth; he gave much attention to the concerns of business, to education, to politics and to government, he did far more than his share in making his country great; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their regret to the community of Fullerton, to the staff of the Daily News Tribune, and to the family of Leif Johnson at their most untimely loss; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the staff of the Daily News Tribune, Fullerton, and to his widow, Alice Johnson.

RESOLUTION CHAPTER 238

Assembly Joint Resolution No. 14—Relative to a national cemetery at San Luis Dam.

[Filed with Secretary of State July 11, 1969.]

WHEREAS, Although the State of California is the most populous state in the United States and correspondingly has more veterans of the armed forces residing within the state, there is at the present time a lack of space for the burial of veterans in existing national cemeteries in this state; and

WHEREAS, President Johnson has stated that "no veterans of the armed forces should be denied the right of burial in a national cemetery and near his home"; and

WHEREAS, The nearest national cemetery to California which has space available is in the State of Oregon near the City of Portland; and

WHEREAS, The California Department Commanders Veterans Council has unanimously agreed that a new national cemetery should be established by the United States on existing federal land at the site of San Luis Dam near the City of Los Banos in California; and

WHEREAS, California fully deserves at least one new national cemetery, and the site for such cemetery should be one agreed to by the veterans of the state; and

WHEREAS, Legislation has been introduced in the Congress to establish a national cemetery at the site unanimously agreed upon by the California Department Commanders Veterans Council; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact legislation to establish a national cemetery on federal land at the site of San Luis Dam near the City of Los Banos in California; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 239

Assembly Joint Resolution No. 15—Relative to local government participation in federal welfare programs.

[Filed with Secretary of State July 11, 1969.]

WHEREAS, The Legislature of the State of California recognizes that a significant number of the citizens of this state do not fully share in the economic abundance of our nation; and

WHEREAS, State and local government agencies in California and many other states have demonstrated a competency and an increasing willingness to meet the needs of the less fortunate when adequate funding and community assistance are made available; and

WHEREAS, The trend in recent decades in this nation has been for the increasing direction of such activities by the federal government, at times even duplicating local institutions; and

WHEREAS, The American traditions of community concern and action on behalf of the less fortunate, and of self-help within the framework of institutions closest to the people are being diluted as a result of this trend; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to consider carefully the redirection of all programs designed to assist less fortunate citizens to fully participate in the economic and cultural life of our nation toward maximum utilization of existing state and local agencies in those states which have demonstrated a willingness and competence to manage their own affairs in the best interests of all their citizens; and be it further

Resolved, That such programs be supervised by the lowest level of government capable of exercising such supervision in the opinion of the governor of such states; and be it further

Resolved, That every agency of government on every level in this nation be encouraged to secure the full participation of all American citizens, institutions, agencies, businesses and organizations in the solving of this most important and pressing of American problems; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 240

Assembly Concurrent Resolution No. 217—Relative to Land Surveyor Week.

[Filed with Secretary of State July 16, 1969.]

WHEREAS, Since time immemorial, the land surveying profession has been a vital part of the civilized world; and

WHEREAS, The land surveyors have made significant contributions to the growth of California from the Gold Rush days, when they laid out gold mines, towns, and cities, to the present; and

WHEREAS, The property rights of the citizens of this state are made meaningful through the skill and dedication of responsible land surveyors who locate, landmark, and map property lines; and

WHEREAS, The land surveying profession, as an organization, adheres to a strict code of ethics, which emphasizes that a land surveyor must place service before profit and hold public interest above his own; and

WHEREAS, In view of the importance of the land surveying profession to this state and the nation, it is fitting and proper that this profession be given official recognition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the

Governor to proclaim the week of October 4 to 11, 1969, as Land Surveyor Week; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 241

Assembly Joint Resolution No. 54—Relative to flood control projects.

[Filed with Secretary of State July 16, 1969]

WHEREAS, During the months of January and February 1969, Fresno County and counties adjacent thereto experienced record rainfall which produced extremely severe foothill surface runoff into a number of streams which ultimately run through the Fresno-Clovis metropolitan area as well as other urban and farming areas of the County of Fresno and urban and agricultural areas in adjacent counties; and

WHEREAS, Such streams are largely uncontrolled and do not have the capacity to hold back the surface runoff generated from a heavy rainfall, as the past winter has demonstrated; and

WHEREAS, The January and February floods resulting from uncontrolled flow of floodwaters from the various foothill streams and tributaries into the Fresno metropolitan area, as well as many farming and urban communities of Fresno County and adjacent counties, have resulted in millions of dollars of damage to both public and private property; and

WHEREAS, The nature of this flooding from the foothill surface runoff cannot be handled by planned local drainage facilities of the Fresno Metropolitan Flood Control District encompassing the Fresno-Clovis metropolitan area for the reason that such facilities are designed strictly for local surface runoff generated solely by urban development; and

WHEREAS, The President of the United States has declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

WHEREAS, It is necessary that dams and other facilities be constructed upon the various foothill streams and tributaries running into the San Joaquin Valley in order to control such floodwaters during periods of extreme rainfall and to prevent floodwaters from damaging the rural, urban and metropolitan areas through which these streams and tributaries run; and

WHEREAS, The construction of dams and other facilities upon streams and tributaries, particularly Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as San Joaquin-Kings River Interstream Group, will require coordination, administering and financing

of studies and the design and construction of dams and facilities exceeding the financial and administrative capabilities of the many rural, urban and metropolitan areas involved; and

WHEREAS, The United States, particularly through the U.S. Army Corps of Engineers, has the means and ability to assist in the study, design and construction of necessary dams and facilities to prevent future disastrous floods of the kind which have been experienced in the past, particularly during the months of January and February 1969; and

WHEREAS, It is necessary that immediate steps be taken to secure the necessary Congressional appropriations required in order to permit the Corps of Army Engineers to undertake a study of this problem and the facilities which will be required in order to prevent further disastrous floods in the future; and

WHEREAS, It is desired that this study in particular be immediately made with reference to the foothill area between the San Joaquin River and the Kings River; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to make an appropriation for the purpose of allowing the U.S. Army Corps of Engineers to make an immediate study of the foothill area between the Kings River and the San Joaquin River, which study will include the need for flood control projects on Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as the San Joaquin-Kings River Interstream Group, together with the dams and flood control facilities required, the design criteria therefor, and the cost of these facilities; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Bureau of Reclamation, and to the U.S. Army Corps of Engineers.

RESOLUTION CHAPTER 242

Senate Concurrent Resolution No. 79—Relative to the 1976 Summer Olympic Games.

[Filed with Secretary of State July 17, 1969.]

WHEREAS, The City of Los Angeles has been selected as the official entry for the United States in its bid for the 1976 Summer Olympic Games; and

WHEREAS, 1976 is a particularly significant year to bring the Summer Olympic Games to the United States since it will mark the 200th anniversary of the founding of our country; and

WHEREAS, If the United States is successful in its bid for this monumental event, the fact that it is to be held in the largest city in California will bring great honor and benefit to the entire state; and

WHEREAS, The Legislature by the passage of Senate Concurrent Resolution No. 27 during the 1968 Regular Session, has joined the City of Los Angeles and the County of Los Angeles in pledging support of this event; and

WHEREAS, The International Olympic Committee has recently inspected available facilities and sites in the City of Los Angeles, and will be making its final selection when it meets in Amsterdam, Holland; and

WHEREAS, Selection of the United States as the site for the 1976 Summer Olympic Games will be encouraged by the fact that substantial financial support has been pledged toward assuring that the high level of success that the Olympic Games have enjoyed in the past will be maintained; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members do hereby reaffirm their support of the 1976 Summer Olympic Games if the City of Los Angeles is the final chosen site; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the International Olympic Committee.

RESOLUTION CHAPTER 243

Senate Concurrent Resolution No. 131—Relative to commending City of Los Alamitos.

[Filed with Secretary of State July 17, 1969.]

WHEREAS, Brigadier General José Figueroa was Governor of Alta California from January 1833 until his death at the age of 43 in Monterey in September 1835; and

WHEREAS, Governor Figueroa is considered by historians to be the best Mexican Governor ever sent to rule California; and

WHEREAS, He brought to the country a military reputation, considerable experience, good administrative abilities, and great skill in the arts by which personal popularity is acquired; and

WHEREAS, He did good work in organizing territorial and local government, and was liberal in the matter of land grants and in his policy toward foreigners; and

WHEREAS, Governor Figueroa confirmed in 1834 a grant of six leagues in the Los Angeles District to Juan J. Nieto to be known as Rancho Los Alamitos, and in 1835 purchased for himself the rancho for the sum of $500; and

WHEREAS, The Alta California Territorial Legislature in October 1835 passed resolutions providing for the hanging of a portrait of Governor Figueroa in the legislative hall at Monterey with the inscription "Benefactor of the Territory of Alta California" and for the erecting of a suitable monument in Monterey; and

WHEREAS, The resolutions of the Territorial Legislature were never carried out because of a lack of public money made available for those purposes, and the matter died for all time; and

WHEREAS, Rancho Los Alamitos has since become the City of Los Alamitos, which will be celebrating the bicentennial of the State of California from October 16–19, 1969; and

WHEREAS, The Los Alamitos Chamber of Commerce has commissioned an artist to paint the portrait of Governor Figueroa voted in 1835 by the Alta California Territorial Legislature; and

WHEREAS, The portrait of Governor Figueroa will be presented to the City of Los Alamitos during the bicentennial celebration for hanging in the city council chambers; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring. That the members commend the citizens of the City of Los Alamitos for redressing the 134 years of neglect occasioned to the memory of Governor José Figueroa of Alta California, and commend the hanging of the portrait of Governor Figueroa in the city's legislative hall; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to the Mayor of the City of Los Alamitos.

RESOLUTION CHAPTER 244

Senate Concurrent Resolution No. 135—Relative to proclaiming the week of August 26 through September 1 as Archery Week in California.

[Filed with Secretary of State July 17, 1969.]

WHEREAS, Archery has steadily grown in popularity and recognition as a competitive sport and will become a gold medal event in the 1972 summer Olympic Games; and

WHEREAS, The extent of the widespread interest in archery is indicated by its establishment as a major intercollegiate sport throughout the country; and

WHEREAS, The National Field Archery Association, with some 40.000 members, has become the leader in promoting the advancement of competitive archery; and

WHEREAS, The association has established a youth scholarship program solely supported by archers of the nation which

provides financial assistance to qualified young archers who are in need of such aid to attain a college education; and

WHEREAS, United States Senate Joint Resolution No. 85 which would designate the week of August 26 through September 1, 1969, as "National Archery Week" is now before the Senate and House of Representatives of the United States and the association is sponsoring a nationwide program of activities for the period; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of August 26 through September 1, 1969, as Archery Week in California in recognition of the development of archery as a major sport and of the many worthy activities of the National Field Archery Association in this state and throughout the country; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and a suitably prepared copy of this resolution to the National Field Archery Association.

RESOLUTION CHAPTER 245

Senate Concurrent Resolution No. 137—Relative to commending Ray E. Williams upon his retirement.

[Filed with Secretary of State July 17, 1969.]

WHEREAS, It has come to the attention of the members that Ray E. Williams, County Treasurer of San Bernardino County for the past 26 years, will soon retire; and

WHEREAS, Ray E. Williams was born in Redlands, California, graduated from Redlands High School and San Diego Army and Navy Academy, and attended the School of Architecture, University of Washington, Seattle; and

WHEREAS, He and his wife, Dorothy, have a son and a daughter, both graduates of the University of Redlands and public school teachers, and two granddaughters; and

WHEREAS, Williams was at one time an orange grower in Rialto, was employed by Los Angeles County in the Forestry Department, and later by the Pioneer Title Insurance & Trust Company, before joining the county treasurer's office in 1929; and

WHEREAS, He started his term as county treasurer by appointment of the board of supervisors on April 23, 1943, and had been reelected each term since then without opposition; and

WHEREAS, He is a past president of the California State Association of County Treasurers, the Exchange Club of San Bernardino, the County of San Bernardino Elective Department Heads, the University of Washington Architects Fraternity "Atelier," and the Redlands Pictorialist; and

WHEREAS, He is a member of the San Bernardino County Employees' Retirement Board, the Past Presidents Club of the Exchange Club of San Bernardino, the Native Sons Lodge, the Municipal Finance Officers Assocation, and the State Association of Retirement Administrators; and

WHEREAS, He is a former member of the Redlands Y.M.C.A. Board of Directors, the Seattle National Guard, the Redlands Elks Club, and the State Association of County Treasurers' Legislative and Executive Committee; and

WHEREAS, He is a past secretary of the Exchange Club of San Bernardino and the Delta Upsilon Fraternity, University of Washington, a past treasurer of the San Bernardino Eagles Lodge, and a former winner of the Exchange Club Fred Duffy Award; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members heartily commend Ray E. Williams for his many years of devoted service, and extend their best wishes upon his retirement; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Ray E. Williams.

RESOLUTION CHAPTER 246

Senate Concurrent Resolution No. 142—Relative to the approval of those certain amendments to the Charter of the City of Alhambra ratified by the qualified electors of said city at a special municipal election held thereon, consolidated with the general municipal election, on the third day of June, 1969.

[Filed with Secretary of State July 17, 1969.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of those certain amendments to the Charter of the City of Alhambra, a municipal corporation of the County of Los Angeles, as hereinafter set forth in the certificate of the Mayor and the City Clerk of the City of Alhambra, as follows, to wit:

CERTIFICATE OF RATIFICATION BY ELECTORS OF THE CITY OF ALHAMBRA OF THOSE CERTAIN CHARTER AMENDMENTS

State of California
County of Los Angeles } ss.
City of Alhambra

We, the undersigned, Warren D. Williams, Mayor of the City of Alhambra, and Dorothy McKusick, City Clerk and ex-officio Clerk of the Alhambra City Council, do hereby certify and declare as follows:

The City of Alhambra, a Municipal corporation of the County of Los Angeles, State of California, now is and at all times herein mentioned was a City containing a population greater than 60.000 inhabitants, and ever since the year 1915 has been and now is organized, existing and acting under a Freeholders' Charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a Special Election held for that purpose on the 14th day of October, 1914, and approved and ratified by the Legislature of the State of California by Concurrent Resolution No. 14 thereof, introduced by Senator Newton W. Thompson on January 26, 1915, and approved by the Legislature of the State of California on January 28, 1915. (Statutes 1915, p. 1740).

The City Council of said City, being its legislative body, on its own motion, and pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, by Resolution No. R69-67, adopted on the 1st day of April, 1969, duly proposed to the qualified electors of the City of Alhambra those certain Amendments to the Charter of said City, designated as Proposed Charter Amendment No. 1 and Proposed Charter Amendment No. 2, and ordered said Charter Amendments to be submitted to said qualified electors at the Special Municipal Election to be held thereon, consolidated with a General Municipal Election, on the 3rd day of June, 1969. Said proposed Amendments were on April 8, 1969, published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Post-Advocate", being a daily newspaper of general circulation printed, published and circulated in said City, and being the official newspaper of said City.

Said proposed Amendments were duly and regularly printed in convenient form and at and during the time and in the manner provided by law a notice was published in said Post-Advocate that such copies of said proposed Amendments could be had upon application therefor in the office of the City Clerk of said City, and said proposed Amendments, so printed in convenient form, were duly and regularly distributed in the manner provided by law.

Said City Council did by Ordinances Nos. 069-3440 and 069-3441 order the holding of a General and Special Municipal Election in said City of Alhambra on June 3, 1969, for the purpose of submitting to a vote the said proposed Charter Amendments, and which date of said election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed Charter Amendments, as aforesaid. Pursuant to said Charter, resolution and ordinances, the said proposed Amendments were submitted to the qualified electors of said City for their ratification on said June 3, 1969, and at said election a majority of the qualified electors voting

thereon voted for the ratification of and did ratify Proposed Amendment No. 1 and Proposed Amendment No. 2 of the Charter of said City.

The City Council of the City of Alhambra, in accordance with the law in such cases made and provided, did meet on the 9th day of June, 1969, at a regular meeting of such City Council and duly canvassed the returns of said election and duly found, determined and declared that the said Proposed Amendment No. 1 and the Proposed Amendment No. 2 of the Charter of the City of Alhambra were ratified by a majority of the electors of said City voting thereon.

Said Amendments to the Charter so ratified by the electors of the City of Alhambra are in words and figures as follows, to wit:

Proposed Charter Amendment No. 1
(Amends Sections 129 and 129a of Article XVIII, and adds Section 129b to Article XVIII)

"Section 129. In addition to the taxes otherwise herein authorized to be levied and collected, the council shall have the power to levy and collect taxes sufficient to pay the interest and maintain the sinking fund of the bonded indebtedness of the city."

"Section 129a. In addition to the taxes otherwise herein authorized to be levied and collected, the council shall have the power to levy and collect taxes to provide a fund not to exceed eighteen cents on each one hundred dollars of the assessed valuation for the acquisition, maintenance and improvement of public parks, playgrounds and recreation centers and the establishment, maintenance and support of a public recreation program in parks and public playgrounds."

"Section 129b. In addition to the taxes otherwise herein authorized to be levied and collected, the council shall have the power to levy and collect taxes to provide a fund not to exceed thirty cents on each one hundred dollars of the assessed valuation for the maintenance and support of the public library."

Proposed Charter Amendment No. 2
(Amends Section 192b of Article XXIVa)

"Section 192b. A department of civil service is hereby created to be under the control and management of a commission of five members, which said commission shall be known and designated as the civil service commission. The members of said commission shall serve without compensation. Such commission shall be appointed by the mayor subject to the approval thereof by the council.

"All references in this Charter to the board of civil service trustees shall be deemed to mean and refer to the civil service commission.

"The civil service commission shall, from time to time, so classify its members that three of their number shall go out of office August 1st of one year and two of their number shall go out of office August 1st two years later and otherwise their term of office shall be for four years. They shall organize by electing one of their number president and some suitable person as secretary who shall act and hold office at the pleasure of the commission.

"Said commission shall keep a record of its proceedings and transactions, and shall provide rules and regulations for the keeping of service records of city employees and for the classification of such employees."

We have compared the foregoing amendments with the original proposals submitting the same to the electors of said City and find that the foregoing are full, true, correct and exact copies thereof; we further certify that the facts set forth in the preambles preceding such amendments to such Charter are true.

As to the said amendments, this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.

In witness whereof we have hereunto set our hands and caused the corporate seal of the City of Alhambra to be affixed hereto this 10th day of June, 1969.

(SEAL)

WARREN D. WILLIAMS
Mayor of the City of Alhambra
DOROTHY McKUSICK
City Clerk and ex-officio Clerk of the City Council of the City of Alhambra

and

WHEREAS, The said proposed charter amendments, as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the aforementioned amendments to the Charter of the City of Alhambra as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as part of the Charter of the City of Alhambra.

RESOLUTION CHAPTER 247

Senate Concurrent Resolution No. 147—Relative to "Junior Bowling Month."

[Filed with Secretary of State July 22, 1969.]

WHEREAS, The fifth annual State Junior Championships Tournament of the California State Junior Bowling Association will be held during the month of July in the San Francisco-Peninsula area; and

WHEREAS, The California State Junior Bowling Association was organized in 1963 and is cosponsored by the Woman's International Bowling Congress and the American Bowling Congress and is under the management of the American Junior Bowling Congress, which has a national membership of over 456,000; and

WHEREAS, California, with over 45,000 members, ranks second among the states who are members of the American Junior Bowling Congress, and some 5,000 members will attend the State Junior Championships Tournament; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby requests the Governer to proclaim the month of July as "Junior Bowling Month" in California and commends the dedicated men and women throughout the state who have made the outstanding program of the California State Junior Bowling Association a success; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor and suitably prepared copies to the California State Junior Bowling Association; and to Mr. H. H. Hoff, President; Mr Lee Barlowe, Vice President; Mrs. May Bailey, Secretary-Treasurer; and Mr. Frank J. Helbing, Chairman of the Publicity Committee, of the California State Junior Bowling Association.

RESOLUTION CHAPTER 248

Assembly Joint Resolution No. 57—Relative to community development.

[Filed with Secretary of State July 23, 1969.]

WHEREAS, In 1968 the California Legislature enacted into law as Chapter 1392 of the Statutes of 1968 Assembly Bill No. 115, introduced by Assemblyman Robert T. Monagan; and

WHEREAS, Such Chapter 1392 establishes a program to make it possible for residents of substandard and deteriorated housing areas to form renewal area agencies in their neighborhoods, issue tax-exempt bonds, and, by working cooperatively with

local governments, plan, finance, and carry out necessary rehabilitation or rebuilding in the renewal areas; and

WHEREAS, Such program will alleviate some of the economic forces which tend to drive low-income residents out of their neighborhoods; and

WHEREAS, Congressman William S. Mailliard has introduced HR 11596 before the Congress of the United States, which bill, if enacted, will authorize the extension of federal mortgage guarantee to bonds of a type issued under the program established under Assemblyman Monagan's bill; and

WHEREAS, Such mortgage guarantee is urgently needed to expedite the rebuilding and rehabilitation of neighborhoods under renewal area agency programs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to enact legislation to authorize the extension of federal mortgage guarantee to bonds of a type issued under Assemblyman Monagan's bill; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Departments of Housing and Urban Development and Health, Education, and Welfare, to the Chairman of the House Banking and Currency Committee, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 249

Senate Concurrent Resolution No. 121—Relative to establishing nonstop passenger air service between Hollywood-Burbank and Sacramento.

[Filed with Secretary of State July 23, 1969.]

WHEREAS, Nonstop passenger air service is presently not available between Hollywood-Burbank Airport and Sacramento; and

WHEREAS, A large and growing population in the Hollywood-Burbank metropolitan area is greatly in need of nonstop service to and from Sacramento; and

WHEREAS, Residents of the Hollywood-Burbank vicinity are subject to the inconvenience and delays occasioned by traffic and congestion at Los Angeles International Airport, and themselves add to these traffic problems while suffering the inconvenience thereof; and

WHEREAS, The availability of nonstop service to Sacramento at Hollywood-Burbank Airport would substantially lessen the present burdens on Los Angeles International Airport while

providing a much-needed service and convenience to travelers; and

WHEREAS, There are airlines serving these two points which stand ready to provide nonstop passenger service if such service were to be approved by the Public Utilities Commission; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Public Utilities Commission is requested to approve the institution of nonstop passenger air service between Hollywood-Burbank Airport and Sacramento Metropolitan Airport; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Public Utilities Commission.

RESOLUTION CHAPTER 250

Assembly Concurrent Resolution No. 206—
Relative to Aerospace Week.

[Filed with Secretary of State July 23, 1969]

WHEREAS, The year 1969 promises the fulfillment of the boldest dream of mankind, to break loose the bonds of Mother Earth and the influence of her gravity and to set foot upon another celestial body; and

WHEREAS, The State of California occupies a position foremost in the entire nation in aerospace technology and in the manufacture of aerospace products; and

WHEREAS, Aerospace is one of the two largest industries within this state, providing jobs for 640,000 citizens; and

WHEREAS, Aerospace technology has contributed greatly to the fields of medicine, communications, computer technology and weather forecasting, and holds the promise of contributing to the solution of mankind's increasing problems of air and water pollution, transportation congestion, and urban blight; and

WHEREAS, It is fitting and proper that the State of California take this occasion to salute the daring astronauts for their courage and personal sacrifices in the extraterrestrial flights carried out under the Mercury, Gemini, and Apollo programs, and the National Aeronautics and Space Administration for its vision, coordination, and planning in these successful adventures; and

WHEREAS, The State of California recognizes the many contributions of its citizens in helping to fulfill mankind's dream of landing on the moon, and is commemorating the aerospace contributions of its people and industries by a spectacular Aerospace Fair at the 1969 California State Fair and Exposition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Gov-

ernor to issue a proclamation designating the week of August 24 through August 30, 1969, as "Aerospace Week" throughout this state; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor and a suitably prepared copy to the California State Fair and Exposition.

RESOLUTION CHAPTER 251

Assembly Joint Resolution No. 19—Relative to the New Melones Dam and Reservoir Project.

[Filed with Secretary of State July 24, 1969.]

WHEREAS, The New Melones Dam and Reservoir Project on the Stanislaus River in California is presently under construction by the Army Corps of Engineers; and

WHEREAS, The New Melones Reservoir upon completion will prevent frequent and highly damaging floods along the Stanislaus River and the San Joaquin River which cause millions of dollars in damage; and

WHEREAS, In January of this year another major flood occurred on the Stanislaus River causing damage which is estimated at between one and two million dollars; and

WHEREAS, This project will also provide substantial benefits for irrigation, recreation, fish enhancement, water quality control, and power production in a wide area of central California; and

WHEREAS, The California Water Commission after extended study has recommended that sufficient funds be appropriated during the fiscal year 1969–1970 to advance construction of the dam and insure the earliest possible completion of the project; and

WHEREAS, Recurring floods, the growing need for water for irrigation and domestic purposes, and the increasing demand for recreational developments in the area amply justify the earliest possible completion of the New Melones Dam and Reservoir Project; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to appropriate during the fiscal year 1969–1970 for construction of New Melones Dam on the Stanislaus River an amount sufficient to insure the earliest possible completion of the project; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Bureau of the Budget, to the Secretary of Defense, to the Chief of Engineers of the U.S. Army, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 252

Assembly Concurrent Resolution No. 216—Relative to brucellosis eradication.

[Filed with Secretary of State July 24, 1969]

WHEREAS, The California Dairy Animal Health Committee, formerly the Statewide Bang's Disease Committee, has been organized and active since 1938; and

WHEREAS, The committee, representing California's beef and dairy and swine industries in combating brucellosis, an infectious disease of man and animal which would cause losses exceeding $25 million annually if it remained unchecked, has coordinated its efforts with the State Department of Agriculture, University of California, and other governmental agencies; and

WHEREAS, Its enlightened attitude led to the development of recommendations and public relations resulting in a statewide effort toward eradicating the disease; and

WHEREAS, The 20-year campaign to eradicate bovine brucellosis ended in success in May 1969; and

WHEREAS, California now qualifies, after 10 years (1938–1948) of pioneering efforts, for federal certification as a bovine brucellosis-free state, with the official effort to eradicate brucellosis starting with a calf vaccination program in 1948 and the testing of cattle program in 1957; and

WHEREAS, Joe Hart of Stanislaus County, the only original producer member remaining on the committee, has served as the one and only chairman of an active committee; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend Joe Hart and the many livestock producers who have served on the California Dairy Animal Health Committee, the State Department of Agriculture, University of California, other governmental agencies and related industries; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Joe Hart, the State Department of Agriculture, and the University of California.

RESOLUTION CHAPTER 253

Assembly Concurrent Resolution No. 215—Approving an amendment to the Charter of the City of Petaluma, County of Sonoma, State of California, ratified by the qualified electors of the city at a regular municipal election held therein on the 10th day of June, 1969.

[Filed with Secretary of State July 24, 1969]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of an amendment to the Charter of the City of Petaluma, a municipal corporation in the County of Sonoma, State of California, as hereinafter set forth in the certificate of the mayor and city clerk of the city, as follows:

CERTIFICATE OF AMENDMENTS TO CHARTER OF THE CITY OF PETALUMA, CALIFORNIA

State of California }
County of Sonoma }
City of Petaluma }

We, the undersigned, Helen Putnam, Mayor of the City of Petaluma, and Lillian Nommsen, City Clerk of the City of Petaluma, do hereby certify and declare as follows:

That the City of Petaluma is a Municipal Corporation in the County of Sonoma, State of California, and is now, and at all times hereinafter referred to, was a city containing a population of more than 3,500 inhabitants and less than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States.

That said City of Petaluma is now organized, existing and acting under a Freeholders' Charter, adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City at an election duly held for that purpose on June 10, 1947, and approved by the Legislature of the State of California by concurrent Resolution No. 64 filed with the Secretary of State on June 20, 1947.

That in pursuance of Section 8, Article XI of the Constitution of the State of California and on its own motion, the Council of the City of Petaluma, being the legislative body of said City, duly and regularly submitted to the qualified electors of said City of Petaluma, proposals for amendments of the Charter of said City to be voted upon by said qualified electors at a regular municipal election held in said City on the 10th day of June, 1969.

That said proposed amendments were published and advertised in the form and manner and for the length of time, and in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California, in the Argus Courier, a newspaper of general circulation printed and published at and within the City of Petaluma, County of Sonoma, State of California, and the official newspaper of said City.

That the election at which said proposed charter amendments were voted upon was, by resolution, set and called for the 10th day of June, 1969.

That the City Council of the City of Petaluma did, in the manner provided by law, duly and regularly canvass the re-

turns of said election and that said Council, by resolution adopted on the 16th day of June, 1969, did declare the results of said election as determined by a canvass of the returns thereof.

That at said election held, two (2) Charter Amendments were submitted to the electorate of the City of Petaluma, and of said proposed Charter Amendments, one (1) was ratified and adopted by a majority of said City; that said proposed Charter Amendment so ratified by the electors of the said City of Petaluma proposed to amend Section 25 of the Charter of the City of Petaluma to read as follows:

"Section 25. The principal appointive officials of the city shall be the city clerk, city auditor, assessor, treasurer, tax and license collector, city attorney, director of public works or engineer, police judge, chief of police, fire chief, street superintendent, park superintendent, director of recreation and five library trustees.

The five library trustees shall be appointed to a term not to exceed four years and may be removed by a majority vote of the council, and one of such trustees must be appointed by the council from its own members.

The board of library trustees shall have the power and duty to:

(a) Manage the library and appoint, discipline and dismiss all officers and employees of the library;

(b) Accept money, personal property, or real estate donated to the city for library purposes, subject to the approval of the council; and

(c) Contract with school, county or other government agencies to render or receive library services or facilities, subject to the approval of the council.

The city council at any time when in its judgment the interests of the city so demand, may consolidate and place in charge of one such officer the functions and duties of two or more such officers. The council shall prescribe the duties of all of the principal appointive officials except as otherwise provided in this Chapter."

That we have compared the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct and exact copy thereof.

That in all matters and in all things pertaining to said Charter amendment, all the provisions of Section 8 of Article XI of the Constitution of the State of California and the laws of said State, have been fully complied with in each and every particular.

In witness whereof, we have hereunto set our hands and caused the corporate seal of said City of Petaluma to be affixed hereto this 23rd day of June, 1969.

HELEN PUTNAM
Helen Putnam, Mayor
City of Petaluma

(SEAL)

Attest: LILLIAN NOMMSEN
Lillian Nommsen
City Clerk

and

WHEREAS, The proposed amendment to the charter, as adopted and ratified as hereinabove set forth, has been and now is duly submitted to the Legislature of the State of California for approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of Petaluma, County of Sonoma, as proposed to, and adopted and ratified by, the electors of the city, as hereinabove fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of, the City of Petaluma County of Sonoma.

RESOLUTION CHAPTER 254

Assembly Joint Resolution No. 37—Relative to oil drilling.

[Filed with Secretary of State July 28, 1969.]

WHEREAS, Section 6871.2 was added to the Public Resources Code of this state by the Cunningham-Shell Tidelands Act of 1955 (Ch. 1724, Stats. 1955) to prohibit oil and gas development operations in designated areas of tide and submerged lands in the Counties of Los Angeles, Santa Barbara, Orange, San Diego, and San Luis Obispo, and the section was subsequently amended in 1963 to create additional oil drilling sanctuaries with respect to certain tide and submerged lands in the Counties of Monterey, Humboldt, and Mendocino; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to prohibit oil and gas development operations on such submerged federal lands off the California coast as would represent an extension to the outer continental shelf of the boundaries of the oil drilling sanctuary areas which

have been created with respect to certain tide and submerged lands of the state; and be it further

Resolved, That, with respect to those areas on the Outer Continental Shelf off the coast of California where oil and gas development operations are conducted under federal lease, the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to allocate to the state 37½ percent of the net revenue received by the federal government from the conduct of such operations; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 255

Assembly Concurrent Resolution No. 224—Relative to the College Football Centennial.

[Filed with Secretary of State July 28, 1969.]

WHEREAS, 1969 is the 100th anniversary of the first intercollegiate football game between Rutgers and Princeton; and

WHEREAS, College football always has been an integral part of campus life and is a unique facet of the personality of the institutions where it is played; and

WHEREAS, It is a strong, unifying factor on the campus; and

WHEREAS, College football has been praised by educators, soldiers, and statesmen as fine training for meeting life's challenges; and

WHEREAS, College football has made a unique contribution to the strong fiber of America and her people through its teaching of determination, self-sacrifice, dedication and sportsmanship; and

WHEREAS, The game has a rich history and significant traditions—both tributes to the men who have played and coached intercollegiate football; and

WHEREAS, The National Football Foundation and Hall of Fame and California chapters strongly support the widespread playing of college and school football for the worthwhile personal characteristics imparted; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Governor to proclaim 1969 the College Football Centennial Season and designate the period between October 11 and October 18, 1969, as National Football Foundation Week; and be it further

Resolved, That the members wish all college football teams, players, coaches, and fans a memorable 100th anniversary, offer congratulations to college football and the institutions in this state on 100 years of greatness, and extend their best wishes for an equally successful second century of wholesome competition; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 256

Senate Joint Resolution No. 27—Relative to the Santa Clara River Flood Control Project.

[Filed with Secretary of State July 28, 1969.]

WHEREAS, The Santa Clara River Flood Control Project has been proposed to provide for a system of works to control floods along the Santa Clara River and its tributaries; and

WHEREAS, The Santa Clara River Flood Control Project was authorized by the Congress of the United States through the enactment of Public Law 858, 80th Congress, approved June 30, 1948; and

WHEREAS, The Santa Clara River Flood Control Project was authorized for financial participation by the California Legislature at the 1953 Regular Session of the Legislature; and

WHEREAS, Floods occurring in the Santa Clara River Basin during the early part of 1969 caused severe damage to public and private property, endangered lives, and created great hardship for the residents of the basin; and

WHEREAS, Much of the damage and hardship created by these floods could have been prevented had the authorized features of the Santa Clara River Flood Control Project been constructed and in operation; and

WHEREAS, The United States Army Corps of Engineers is currently conducting a detailed study of the flood problems of the Santa Clara River Basin in order to determine the additional works necessary to provide vital flood control; and

WHEREAS, The Corps of Engineers plans to submit three additional project reports on the Santa Clara River Basin, including a report currently being prepared for flood control in the Newhall-Saugus areas; and

WHEREAS, The maintenance of an adequate level of federal funding for the construction of vital flood control projects is necessary for the safety and welfare of the people of California and of the United States; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to appropriate funds necessary to imme-

diately undertake the construction of the presently authorized Santa Clara River Flood Control Project; and be it further

Resolved, That the United States Army Corps of Engineers is urged to expedite their studies of flood control in the Santa Clara River Basin and to seek authorization and construction of necessary flood control works at the earliest possible time; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the chairmen of the appropriations committees of the United States Senate and House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Chief of Engineers, United States Army Corps of Engineers, and to the District Engineer, United States Army Corps of Engineers District, Los Angeles.

RESOLUTION CHAPTER 257

Senate Concurrent Resolution No. 150—Relative to the California Dental Centennial.

[Filed with Secretary of State July 29, 1969.]

WHEREAS, The California Dental Association was founded on June 29, 1870; and

WHEREAS, One of the original objectives of the Association was "to cultivate the science and art of dentistry and cognate sciences, to elevate and sustain the character of the profession, and to promote mutual improvement, both professional and social"; and

WHEREAS, The year 1970 marks a century of progress in achieving this objective; and

WHEREAS, The people of this state have benefited greatly from the accomplishments and contributions to health by the dental profession; and

WHEREAS, During the year 1970 the dental profession of this state through the California Dental Association and its 22 component societies will sponsor many dental education and other programs calling attention to the importance of dental health; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of California is hereby requested to proclaim 1970 as California Dental Centennial Year and to invite the people of this state to join with state government agencies in participating in and giving special support to dental health activities during 1970; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Governor Ronald Reagan and suitably

prepared copies to the California Dental Association and to Dr. Douglas R. Franklin, the President of the California Dental Association.

RESOLUTION CHAPTER 258

Senate Concurrent Resolution No. 81—Relative to state water projects in Los Angeles County.

[Filed with Secretary of State July 31, 1969.]

WHEREAS, The State of California has undertaken the construction of a State Water Resources Development System in order to develop water supplies necessary to meet the growing demands of its rapidly expanding population; and

WHEREAS, The State Water Resources Development System affords the opportunity to provide a wide variety of benefits, including water supply, flood control, hydroelectric power generation, recreation, and fish and wildlife enhancement; and

WHEREAS, The Legislature, in recognition of the vast opportunities this project presented to enhance the state's fish and wildlife resources and to provide statewide recreation benefits, enacted the Davis-Dolwig Act, declaring recreation and fish and wildlife enhancement to be purposes of all state water projects; and

WHEREAS, Significant accomplishments have already been realized as a result of this specific legislative policy declaration; and

WHEREAS, The attainment of the goals sought by the Legislature through the passage of the Davis-Dolwig Act has not always been accomplished without difficulty, inasmuch as the use of land and water for various beneficial purposes is not in all instances compatible; and

WHEREAS, Considerable difficulty has been encountered in formulating an acceptable recreational development program for the Castaic Reservoir, the Pyramid Reservoir, and portions of the California Aqueduct located in Los Angeles County because of such competing uses of land and water; and

WHEREAS, The Castaic Reservoir is a multiple-purpose facility designed to provide a multiplicity of benefits for the people of California; and

WHEREAS, The development of facilities to provide benefits for specific project purposes consistent with the development of facilities for all other beneficial purposes is dependent upon the formulation of a comprehensive plan which sets forth general guidelines for the total development of the project; and

WHEREAS, The formulation of a comprehensive plan for the Castaic Reservoir Complex will require the consideration of a wide variety of interests and is necessary to assure the attainment of the maximum possible benefit afforded by the project; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources, in cooperation with the Department of Parks and Recreation and the Department of Fish and Game, are directed to formulate a comprehensive plan for the Castaic Reservoir Complex, the Pyramid Reservoir, and portions of the California Aqueduct located in Los Angeles County, and to develop the comprehensive plan for the Castaic Reservoir in full cooperation with the County of Los Angeles and the United States Forest Service; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Director of Parks and Recreation, the Director of Water Resources, and the Director of Fish and Game.

RESOLUTION CHAPTER 259

Senate Concurrent Resolution No. 93—Relative to water pollution abatement practices.

[Filed with Secretary of State July 31, 1969.]

WHEREAS, The pollution of water presents an imminent danger to the health of all citizens, and presents a grave threat to the recreation, wildlife, and aesthetic potentials of water use; and

WHEREAS, The pollution of water is contrary to the legal doctrine of beneficial use for water rights allocation; and

WHEREAS, The right to divert and use waters of the state for domestic, industrial, or agricultural purposes does not imply the right to discharge waste water of a quality lower than that of the water diverted; and

WHEREAS, Existing water pollution regulation has proved to be inadequate to effectively control water quality in the public interest; and

WHEREAS, The pollution of water results in enormous public expense for damage repair and pollution abatement caused by the pollution by private water users; and

WHEREAS, That the public is ultimately assessed for the cost of pollution which is caused by private water users is unjustifiable; and

WHEREAS, The precedent and example of the assessment of fees on water users who discharge waste waters which utilize the assimilative capacity of any waters within a given political jurisdiction are provided by the Federal Republic of Germany in the Ruhr Valley; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Water Resources Control Board is directed to conduct a contrastive study of water pollution abatement practices as existing in the State of California and in the Federal Republic of Germany; that

such study assess the German fee assessment practice, including the amount of fee rates, the criteria for stream quality upon which the rates are based, and the political and judicial structures which administer the fee assessment; that such study determine the technical applicability of such fee assessment practice to the water pollution situation in the State of California; that such study determine the political feasibility of establishing fee assessment practice, on water users who pollute water, as public policy; and that such study determine reasonable standards, criteria, and specifications upon which a fee assessment practice could be applied for the unique needs of the State of California; and be it further

Resolved, That the State Water Resources Control Board shall report its findings and recommendations thereon, including its recommendations concerning any necessary legislation, to the Legislature not later than the 30th legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Water Resources Control Board.

RESOLUTION CHAPTER 260

Senate Joint Resolution No. 18—Relating to mineral extraction from outer continental shelf lands.

[Filed with Secretary of State July 31, 1969.]

WHEREAS, The State of California has for many years been engaged in the study of coastal marine resources, including mineral resources, to determine the methods whereby such resources may best be utilized and protected; and

WHEREAS, The federal government exercises, by virtue of its sovereignty, jurisdiction over outer continental shelf lands; and

WHEREAS, The United States Department of the Interior has entered into a mineral extraction leasing program with respect to outer continental shelf lands adjacent to the coastal states; and

WHEREAS, This program will have a decided impact upon the coastal environment of the states adjoining the outer continental shelf lands under lease, and the recent oil leakage disaster off the California coast is tragic evidence of the terrible impact such oil and gas operations may have upon the marine and coastal resources of adjacent states; and

WHEREAS, Congress is currently considering legislation affecting the coastal resources of the various states adjoining the outer continental shelf lands and the revenues derived from such lands, which legislation would provide for the augmentation of the Land and Water Conservation Fund; and

WHEREAS, The State of California recognizes the need for increased funding of the Land and Water Conservation Fund, in order to permit the acquisition and development of land and water resources by the various states pursuant to the Land and Water Conservation Fund Act of 1965 (Public Law 88-578; 78 Stat. 897); and

WHEREAS, The disposition of the revenues derived from the outer continental shelf lands should take into consideration the impact which the mineral extraction leasing program will have upon the coastal environment of the coastal states; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes Congress to recognize the precedent established in the so-called Mineral Lands Leasing Act of 1920 which allocates to the particular state involved 37½ percent of proceeds derived from mineral extraction from federal lands located within such state; and to recognize, further, that the Land and Water Conservation Fund should be augmented with additional moneys (as determined by the Secretary of the Interior), provided that such funds are taken from money in the United States Treasury not otherwise allocated, together with funds specified under subsections (a), (b) and (c) of Section 2 of Title I of the Land and Water Conservation Fund Act of 1965; and be it further

Resolved, That the Legislature of the State of California fully supports any measure which affirms the concept of allocating portions of the funds derived from mineral extraction to the states adjoining outer continental shelf lands for the purpose of serving the national interest; and be it further

Resolved, That the Legislature of the State of California recognizes the need for Congress to provide subsidence and oil seepage disaster protection for the states located adjacent to the outer continental shelf lands; and be it further

Resolved, That the Legislature of the State of California memorializes Congress to enact legislation creating a commission composed of both federal and state technical personnel to establish drilling and safety practices for the development of the oil resources of the outer continental shelf; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 261

Senate Joint Resolution No. 24—Relative to high-speed rail passenger service.

[Filed with Secretary of State July 31, 1969.]

WHEREAS, The federal government is now considering the so-called "Pell Plan," which envisions the creation of an interstate authority which, with federal assistance, would establish and operate a high-speed rail passenger service in the heavily populated northeast corridor of the United States; and

WHEREAS, There is an imperative need for such a high-speed rail passenger service in the San Francisco Bay area metropolitan complex, in the Los Angeles metropolitan complex, and in the San Diego metropolitan complex and for the future linking of these three heavily populated metropolitan areas by a high-speed rail passenger service; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to expand the so-called "Pell Plan" to include provisions for the establishment and operation of high-speed rail passenger service in the San Francisco Bay area metropolitan complex, in the Los Angeles metropolitan complex, and in the San Diego metropolitan complex and provisions for the future linking of these three heavily populated metropolitan areas by a high-speed rail passenger service; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 262

Senate Joint Resolution No. 30—Relative to recreation planning at federal flood control projects.

[Filed with Secretary of State July 31, 1969.]

WHEREAS, The U.S. Army Corps of Engineers, pursuant to various federal statutes, plans and constructs flood control projects in the various states, including the State of California; and

WHEREAS, Such projects include not only reservoir flood control storage projects but also channel improvements and channel rectifications; and

WHEREAS, Under the Federal Water Project Recreation Act approved July 9, 1965 (79 Stat. 213), recreation planning is

included in the planning of federal reservoir projects, including those that provide flood control storage; and

WHEREAS, Flood control projects involving levees and channel improvements and rectifications, such as the one presently being designed for the Napa River in California, present opportunities for recreation development and beautification associated with the channel improvements; and

WHEREAS, Recreational uses, such as walkways, pathways, access points, view areas, and areas for boating, fishing, swimming, and other outdoor activities, but not excluding other recreational activities, should be considered in planning channel improvement projects as well as reservoir projects; and

WHEREAS, Streams and channels should be considered in relation to their multipurpose uses and not simply as flood discharge conduits; and

WHEREAS, There exists a great demand for water-associated recreational development; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and the U.S. Army Corps of Engineers to include recreation and beautification in planning channel improvement and channel rectification projects, and that provisions for recreation be included as part of the project plans; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Bureau of the Budget, to the Chief Engineer of the U.S. Army Corps of Engineers, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 263

Assembly Constitutional Amendment No. 30—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 24 to Article XX and by repealing Articles X and XVII, relating to partial revision of the Constitution of the State of California.

[Filed with Secretary of State August 1, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be revised as follows:

First—That Article X is repealed.

Second—That Article XVII is repealed.

Third—That former Paragraph 3 of Section 1 of Article X is added to Article XX as Section 24, to read:

SEC. 24. The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

And be it further resolved, That Assembly Constitutional Amendment No. 30 of the 1969 Regular Session shall not be submitted to the people unless Assembly Bill 1095 of the 1969 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

RESOLUTION CHAPTER 264

Assembly Constitutional Amendment No. 31—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by repealing Article XII, by adding Article XII, by adding Section 30 to Article XIII, by amending Section 1 of Article XIV, and by adding Section 23 to Article XX, thereof, relating to partial revision of the Constitution of the State of California.

[Filed with Secretary of State August 1, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Article XII is repealed.

Second—That Article XII is added, to read:

ARTICLE XII

PUBLIC UTILITIES

SEC. 1. The Public Utilities Commission consists of 5 members, or more if prescribed by statute, appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring.

SEC. 2. Private corporations and persons that own, operate, control, or manage a line, plant or system for the transportation of people or property, the transmission of messages, or the furnishing of heat, light, water, power, storage or wharf-

age, directly or indirectly to or for the public, and common carriers, are public utilities subject to control by the Legislature. The Legislature may prescribe that additional classes of private corporations or persons are public utilities.

SEC. 3. The Commission shall have such jurisdiction and such legislative, executive, and judicial powers as are conferred upon it by the Legislature, which are cognate and germane to the regulation of public utilities. The manner and scope of review of Commission action in a court of record shall be provided by statute.

A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This section does not affect power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of any city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law.

SEC. 4. The Legislature may provide that on request of condemnor and condemnee the Commission fix just compensation for public utility property taken by eminent domain.

Third—That former Section 13 of Article XII is added to Article XIII as Section 30, to read:

SEC. 30. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as

amended, but 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 corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and 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 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund other than the fund provided for in Section 13901 of the Education Code, or any successor thereto, in stock 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); provided, however, 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.

Fourth—That Section 1 of Article XIV is amended to read:

SEC. 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law.

Fifth—That Section 23 is added to Article XX, to read:

SEC. 23. Laws concerning corporations may be amended or repealed.

And be it further resolved, That Assembly Constitutional Amendment No. 31 of the 1969 Regular Session shall not be

submitted to the people unless Assembly Bill 1096 of the 1969 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

RESOLUTION CHAPTER 265

Senate Joint Resolution No. 28—Relative to oil pollution.

[Filed with Secretary of State August 1, 1969.]

WHEREAS, It is the desire of the people of California to protect the ocean waters, coastline, and marine resources of this state from pollution by oil; and

WHEREAS, One major source of pollution to the coastal environment is caused by oil washing ashore from tankers that surreptitiously clean their tanks near our shores; and

WHEREAS, This oil causes great harm to the marine and coastal biology and wildlife resources, despoils beaches and coastline, impairs valuable recreational uses, costs taxpayers thousands of dollars to remove, and results in considerable economic loss to shoreline communities; and

WHEREAS, The United States is a contracting nation to the International Convention for the Prevention of Pollution of the Seas by Oil, thereby establishing a zone extending 50 miles off our coast in which registered vessels of all contracting nations are prohibited from discharging oil; and

WHEREAS, If such an oil discharge takes place outside of the territorial waters of the United States, although within the protective zone, the United States does not have authority under the treaty to punish any vessel of any contracting nation other than its own; and

WHEREAS, Oil imports have risen over 100 million tons in the past 20 years and American flag vessels carry only 5 percent of the oil imports into the United States; and

WHEREAS, The United States tanker fleet is governed by substantially adequate domestic laws and most American vessels are operating under a voluntary "clean seas" policy which prohibits the discharge of persistent oils into any part of any ocean; and

WHEREAS, As long as foreign vessels are preeminent in the oil import trade, the domestic law of the United States is inadequate to deal with the discharge of oil in connection with tanker operations and protection must be sought through international channels; and

WHEREAS, The United States has set the international community a good example with respect to the control of oil discharges from tankers and demonstrated a need for a worldwide "clean seas" policy; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California

respectfully memorializes the President and the Congress of the United States to take immediate steps to commence negotiations with other countries toward the formulation of international conventions to extend controls over the discharge of oil and other hazardous substances into international waters beyond the zones presently proscribed, to establish international policies for "clean waters" on the high seas, and to provide adequate deterrent to violators; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 266

Senate Concurrent Resolution No. 95—Relative to a study of the property tax exemption for homes for the aged.

[Filed with Secretary of State August 2, 1969]

WHEREAS, Homes for the needy aged were granted property tax exemption under the constitutional provision allowing relief to religious, hospital, and charitable organizations; and

WHEREAS, Homes for the needy aged relieve government of a responsibility to provide care and expensive housing facilities for certain persons who cannot care for themselves; and

WHEREAS, The contended exemption also has been extended to retirement homes and apartments which are not designed to serve the needy; and

WHEREAS, Persons of means living in such facilities can escape local property taxes while less affluent senior citizens living in their own homes must continue to pay property taxes; and

WHEREAS, The number of these new retirement homes is increasing rapidly, mainly in urban centers and in a number of smaller communities; and

WHEREAS, These new retirement facilities have removed $58 million of assessed value from the tax rolls of local governments while adding additional service needs for these local governments; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Joint Legislative Budget Committee is hereby requested to review the law under which this exemption is now granted to all homes for the aged regardless of whether they serve needy or affluent members; and be it further

Resolved, That the Joint Legislative Budget Committee shall examine:

(1) Which portion of the cost of these homes is devoted to welfare-type activities as distinct from residential care; and

(2) What are the equity considerations in granting property tax exemptions for the residential portion of these facilities; and be it further

Resolved, That the Joint Legislative Budget Committee is directed to report its findings and recommendations to the Legislature by the 30th calendar day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That this study shall not be interpreted or used in any way to forestall cities from imposing a business license tax or any other tax on life-care homes which are exempt from property taxation.

RESOLUTION CHAPTER 267

Senate Concurrent Resolution No. 123—Relative to Senate Bill No. 2 of the 1969 Regular Session of the Legislature.

[Filed with Secretary of State August 2, 1969.]

WHEREAS, At its 1969 Regular Session, the Legislature enacted Senate Bill No. 2 as Chapter 24 of the Statutes to provide for financing the completion of the rapid transit system of the San Francisco Bay Area Rapid Transit District in the principal amount of $150,000,000, plus various costs and interest payments, by means of a district transactions and use tax at the rate of one-half of 1 percent; and

WHEREAS, In enacting Senate Bill No. 2, it is the intent of the Legislature that the taxpayers in the San Francisco Bay Area Rapid Transit District shall be required to pay no more than the actual amount necessary to finance the completion of the rapid transit system; and

WHEREAS, The Legislature so provided for the protection of the taxpayers in Senate Bill No. 2, wherein it adds Section 29140.5 to the Public Utilities Code to provide that, "if other methods of financing shall hereafter be approved as a result of other legislation hereafter enacted, then to the extent of any funds received by the district under such other method of financing, after deducting expenses of collection, the amount of revenues from transactions and use taxes pursuant to this article authorized under Section 29142 shall be reduced in order that such taxes shall earlier terminate"; and

WHEREAS, The purpose of the above provision is to protect the taxpayers in the San Francisco Bay Area Rapid Transit District by providing for a termination of the district's transactions and use tax at the earliest possible date, and it is immaterial whether legislation hereafter enacted is by the Legislature of the State of California or the Congress of the United States, so long as other methods of financing are made available to the district to complete its transit system, if such financing may be used for the purposes of reducing the principal amount of $150,000,000 and is not earmarked for some

specified purpose, such as the acquisition of rolling stock; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature, by adding Section 29140.5 to the Public Utilities Code at its 1969 Regular Session, intends that such section shall apply to both state and federal legislation hereafter enacted, unless such legislation earmarks the grant for specified purposes; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Board of Directors of the San Francisco Bay Area Rapid Transit District.

RESOLUTION CHAPTER 268

Senate Concurrent Resolution No. 146—Relative to the 10th anniversary of the San Francisco Police Athletic League.

[Filed with Secretary of State August 2, 1969.]

WHEREAS, The San Francisco Police Athletic League (PAL), under the outstanding leadership of its president, Sergeant Charles Ellis, and vice president, Sergeant Steve Spelman, with the help of the annual PAL Circus and the PAL Boosters and other supporters who have assisted in underwriting its activities, and its participating police officers and citizen coaches, has filled a great void in the athletic programs available to the youngsters of San Francisco, and has led to the creation of a spirit of mutual understanding, trust, and friendship between the youth and the police officers of the city; and

WHEREAS, From the modest beginning of a handful of officers and with less than two hundred youngsters in 1959, PAL has expanded so rapidly that the program now includes over three hundred police officers and civilian coaches engaged actively in sports, and the number of youngsters involved in the various sport programs is rapidly approaching five thousand per year; and

WHEREAS, PAL today fields over 70 baseball teams, 41 soccer teams, nine football teams, and 35 basketball teams, and operates programs in track and field, boxing, judo, and swimming, reflecting PAL's greater and greater emphasis upon summer activities so that during this traditionally idle time youngsters can participate in healthful sporting activities providing at the same time recreation and experience in sportsmanship and fair play; and

WHEREAS, The newly formed law enforcement division provides high school age students an inside view of law enforcement with instruction in all phases of police work, including investigations, patrol work, and trials, and includes tours of various state law enforcement agencies and many kinds of on-the-scene instruction; and

WHEREAS, The PAL program represents a significant and highly commendable effort to provide thousands of youngsters an opportunity not otherwise available to participate in organized sporting events, and is a positive and constructive approach to the problems of juvenile delinquency through its involvement with the young; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members congratulate the San Franciso Police Athletic League on the occasion of its 10th anniversary, and commend the organization for its interest in and positive programs on behalf of the city's youth; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to the San Francisco Police Athletic League, Mayor Joseph L. Alioto, and Thomas J. Cahill, Chief of Police.

RESOLUTION CHAPTER 269

Senate Concurrent Resolution No. 149—Relative to memorializing Russell E. Pettit.

[Filed with Secretary of State August 2, 1969]

WHEREAS, The Members of the Legislature of the State of California were saddened to learn of the death of Russell E. Pettit, prominent San Jose civic leader and dean of the nation's chamber of commerce officials; and

WHEREAS, Born in Maywood, Illinois, Mr. Pettit received his education at the University of Chicago where he received a bachelor of philosophy degree, and after traveling in Europe and working for advertising firms in Chicago and San Francisco he came to San Jose; and

WHEREAS, In 1925, Mr. Pettit became manager of publicity and conventions of the Greater San Jose Chamber of Commerce; from 1928 to 1932, he was manager of the San Jose Fiesta de las Rosas Association; in 1930, he founded the San Jose Junior Chamber of Commerce; and in 1936, he was named general manager of the San Jose Chamber of Commerce, a post he held until his retirement on June 1, 1967; and

WHEREAS, During his 42 years with the chamber, Mr. Pettit played a key role in San Jose's growth from an agricultural community to an industrial center and was the driving force behind San Jose's industrial development program during and immediately after World War II; and

WHEREAS, Mr. Pettit was a leader in the formation of the Santa Clara County Fair Association and served as secretary-manager and a member of its board of directors; and

WHEREAS, He was named one of the first San Jose Junior Chamber of Commerce's Young Men of the Year, and was

honored by more than 700 persons at a testimonial banquet in the County Fairgrounds Pavilion building on the occasion of his retirement two years ago; and

WHEREAS, This veteran civic leader was a past president and director of the San Jose Rotary Club, past president of the American Chamber of Commerce Executives and a member of the San Jose State College Advisory Board and the San Jose Concert Series Advisory Board; and

WHEREAS, His other affiliations included the Masons, San Jose Lodge No. 10; Shrine-Islam Temple, San Francisco; San Jose Country Club; Press and Union League Club of San Francisco, and the Commonwealth Club of California; and

WHEREAS, Mr. Pettit was also active with the Santa Clara County Council of Boy Scouts from 1931 to 1944 and from 1960 to 1963 was chairman of the special guests committee for the annual "Scout-O-Rama"; and

WHEREAS, The loss of this capable and public-spirited citizen, who gave so generously of his time and energies for the betterment of his community, will be deeply felt by his family, his many close friends and the people of his community; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members pay homage to the memory of Russell E. Pettit and express their sorrow over the loss of the dean of the nation's chamber of commerce officials and a dedicated civic leader; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to his widow, Mrs. Eleanor Pettit, his daughter, Mrs. Patricia L. Prickett, and his brother, Dr. Richard D. Pettit.

RESOLUTION CHAPTER 270

Senate Joint Resolution No. 16—Relative to lands for the Washoe Indian Tribe.

[Filed with Secretary of State August 2, 1969.]

WHEREAS, The Legislature is concerned with the public health, safety and welfare of all the citizens of California; and

WHEREAS, The Washoe Indian Tribe residing in and around Woodfords, Alpine County, California, are living in an overcrowded condition, in vastly substandard housing with inadequate water and sanitation facilities, on public and private land; and

WHEREAS, These existing conditions are matters affecting the Washoe Tribe's health, safety and welfare; and

WHEREAS, Under the existing conditions it is impossible to make community improvements, or to participate in and develop community programs, particularly housing; and

WHEREAS, The Washoe Tribe has expressed a united desire to acquire a land transfer from the public domain where they can build a community; and

WHEREAS, The Board of Supervisors of the County of Alpine, State of California, on the third day of September, 1968, passed and adopted a resolution in support of a land transfer; and

WHEREAS, Legislation has been introduced in the Congress of the United States to declare that the United States holds in trust for the Washoe Indian Tribe certain lands in Alpine County, California; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation pertaining to the lands for the Washoe Indian Tribe; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the chairmen of the committees of the United States Congress dealing with the subject of this resolution, to the Secretary of the Interior, and to the Commissioner of Indian Affairs.

RESOLUTION CHAPTER 271

Senate Joint Resolution No. 26—Relative to Sherman Institute.

[Filed with Secretary of State August 5, 1969.]

WHEREAS, The Legislature is concerned with the educational opportunities of California students; and

WHEREAS, California Indians, as well as Indians of other states, are students at Sherman Institute, a Bureau of Indian Affairs boarding school, in Riverside, California; and

WHEREAS, Indian students require, desire and are entitled to educational opportunities on a parity with other students throughout the State of California; and

WHEREAS, Equal educational opportunities, equal educational facilities, curriculum, personnel, services, and direction must be obtained; and

WHEREAS, The physical plant, curriculum, and faculty training of Sherman Institute do not meet the minimum standards required in California for accreditation; and

WHEREAS, Sherman Institute's library is outdated and inadequate as a reference library in that it is deficient in both number and quality of recommended books and other resource material necessary to meet the students' educational needs; and

WHEREAS, There is insufficient personnel at Sherman Institute to provide the students with an equal educational opportunity in the areas of instruction, counseling, coaching, and extracurricular activities at the school; and

WHEREAS, Funds for clothing and travel for needy Indian students are not available at Sherman Institute, although funds are provided for this purpose at other federal Indian schools; and

WHEREAS, The most effective schools are those which are governed by school boards that reflect the attitudes of the students' parents; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide for an emergency appropriation to Sherman Institute to enable the school to bring its physical plant up to standards necessary for accreditation, to improve the school's library system, to obtain adequate personnel, and to provide adequate services and to budget funds on a continuing basis to insure Sherman Institute's ability to maintain its facilities, curriculum, personnel and services at a level necessary to meet the Indian students' educational needs and to establish an all-Indian school board to direct the school's program; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the chairmen of the committees of the United States Congress dealing with the subject of this resolution, to the Secretary of the Interior and to the Commissioner of Indian Affairs.

RESOLUTION CHAPTER 272

Assembly Joint Resolution No. 40—Relative to taxation of state and local government bonds.

[Filed with Secretary of State August 7, 1969]

WHEREAS, Equity among taxpayers is essential to popular confidence in the federal revenue system; and

WHEREAS, The Ways and Means Committee of the United States House of Representatives has conducted extensive hearing on proposals for equitable reform of the federal personal income tax; and

WHEREAS, Spokesmen for the National Governors' Conference, the National Legislative Conference, The National Association of Attorneys General and the National Association of State Treasurers, Auditors and Comptrollers have endorsed

the objective of tax reform while urging the committee to refrain from changes which would weaken the capacity of the states to meet the needs for state services; and

WHEREAS, The Ways and Means Committee is to be commended for its efforts to improve the equity of the federal personal income tax; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States:

1. That no change be made which would deprive state and local government obligations of their traditional immunity from federal taxation;

2. That no change be made which would result in constriction of the market for bonds issued by the states or local governments;

3. That no change be made which would interpose federal judgments relating to the policies of the states or local governments; and

4. That no change is acceptable which would subject borrowing by the states and local governments to the uncertainties of the appropriation processes of the Congress; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 273

Senate Concurrent Resolution No. 144—Relative to the Eel River Basin.

[Filed with Secretary of State August 7, 1969.]

WHEREAS, The California State Legislature is committed to the principle of completion, on schedule, of the State Water Project; and

WHEREAS, The development of additional water for the State Water Project to honor contractual commitments will be necessary; and

WHEREAS, The United States Army Corps of Engineers Proposed Interim Report on Water Resources Development for the Middle Fork Eel River sets forth a feasible means for developing additional water supplies for the State Water Project; and

WHEREAS, The corps' proposed report is before the state for official review and comment; and

WHEREAS, The Senate Committee on Water Resources and the Assembly Water Committee, pursuant to Sections 450 to

453 of the California Water Code, commented favorably to the Secretary of the Resources Agency on the corps' proposed report urging state support for early congressional authorization; and

WHEREAS, The state is now reexamining other alternatives for additional water development in the Eel River Basin prior to making official comments to the United States Army Corps of Engineers on its proposed report; and

WHEREAS, The California State Legislature is concerned with the financial, environmental, and water development aspects of any other alternatives to be considered; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the California Department of Water Resources to submit to the Legislature the results of its Eel River Basin alternative studies; and be it further

Resolved, That the Senate Committee on Water Resources and the Assembly Water Committee conduct joint public hearings on such Eel River Basin alternative studies; and be it further

Resolved, That following the joint public hearing the Senate Committee on Water Resources and the Assembly Water Committee submit their formal comments to the Governor; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor, the Secretary of the Resources Agency, and the Director of the Department of Water Resources.

RESOLUTION CHAPTER 274

Senate Concurrent Resolution No. 152—Relative to "Law and Morality Week."

[Filed with Secretary of State August 7, 1969.]

WHEREAS, In past years the governors from five states and more than 60 mayors from leading cities in California, representing two-thirds of our state's population, have joined Christians and Jews for Law and Morality in proclaiming the week of August 11th through August 18th as Law and Morality Week; and

WHEREAS, The educational foundation of Christians and Jews for Law and Morality seeks a better understanding on the part of the public of the essential role each individual should play, assuming responsibility for his actions and involving himself in the continuing fight to uphold the law and maintain the moral standards of his community; and

WHEREAS, This foundation reaffirms and encourages actions which reflect the ideals upon which our Constitution was founded based on a fundamental belief in a Supreme Being

and defends human dignity and freedom by actively opposing those forces threatening man's inherent rights and individual initiative; and

WHEREAS, This foundation believes that our nation is strengthened morally through citizens who proudly acknowledge and practice equal opportunities and justice for all, regardless of race, color or creed; and

WHEREAS, The foundation holds as a primary objective the instilling of respect for constituted authority in the hearts and minds of all people and recognizes that the promotion of ethical and moral values in the community help to preserve and uphold the sanctity of family life as well as foster better understanding and respect between citizens and law enforcement agencies; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim the week of August 11th through August 18th as Law and Morality Week; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 275

Senate Concurrent Resolution No. 153—Relative to memorializing LeRoy V. Brant.

[Filed with Secretary of State August 7, 1969]

WHEREAS, The Members of the Legislature have learned with sorrow of the death of LeRoy V. Brant, founder of the San Jose Municipal Chorus and for many years the foremost musical figure of his community; and

WHEREAS, Mr. Brant, the great-great-grandson of Mohawk Chief Joseph Brant, head of the Six Nations during Revolutionary War times, came from his native Nebraska to California at the age of 17; and

WHEREAS, In the 61 years which followed, he devoted his life to music and to community activities which ranged from volunteer service with the police auxiliary to politics; and

WHEREAS, After graduation from Petaluma High School, and from College of the Pacific with a bachelor of music degree, he organized the first full music course in California schools in Fort Bragg Union High School; and

WHEREAS, In 1917, he came to San Jose and went on to become an integral part of the city's musical life, founding the San Jose Municipal Chorus in 1924 and conducting it until his retirement in 1963; he also founded the Institute of Music, the only privately owned, fully accredited academy of music in Santa Clara County, and was its director until the time of his death; and

WHEREAS, Mr. Brant was a composer of countless sonatas, a contributor to numerous national music publications, the organizer of the concert series for the San Jose Chapter of the American Guild of Organists, the holder of five earned music degrees, and, at various times, was music critic of the San Jose Mercury-Herald and the San Jose Evening News; and

WHEREAS, A 33rd degree Mason, inspector general honorary, Mr. Brant was decorated knight commander of the Court of Honor, Scottish Rite of Freemasonry, and he was organist for the San Jose Scottish Rite Bodies for 35 years, retiring in 1954; and

WHEREAS, He also was organist and choirmaster at Trinity Episcopal Church for 24 years, retiring in 1946; he supervised installation of the church organ and was designer of organs for both the San Jose Scottish Rite Temple and the San Jose Civic Auditorium; and he was also a member of the Santa Clara County Music Teachers Association and the Santa Clara County Republican Central Committee; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their sincere condolences on the passing of LeRoy V. Brant to his wife, Ruth; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mrs. LeRoy V. Brant.

RESOLUTION CHAPTER 276

Senate Concurrent Resolution No. 156—Approving an amendment to the Charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the third day of June, 1969.

[Filed with Secretary of State August 7, 1969.]

WHEREAS, Proceedings have been taken and had for the purpose of adoption and ratification of a certain amendment hereinafter set forth to the Charter of the City of San Jose, a municipal corporation of the County of Santa Clara, State of California, as set forth in the certificate of the mayor and city clerk of said city, as follows:

CERTIFICATE OF AMENDMENT TO THE CHARTER OF THE CITY OF SAN JOSE, CALIFORNIA

State of California
County of Santa Clara } ss.
City of San Jose

We, the undersigned, Ronald R. James, Mayor of the City of San Jose, State of California, and Francis L. Greiner, City Clerk of said City, do hereby certify and declare as follows:

That the City of San Jose, a municipal corporation, in the County of Santa Clara, State of California, is now, and was at all times herein mentioned: (a) a city containing a population of more than two hundred four thousand inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and (b) a city organized, existing and acting under a charter, adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was heretofore duly ratified by a majority of the qualified electors of said City at a municipal election held for that purpose on the 13th day of April, 1965, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State on the 4th day of May, 1965 (Assembly Concurrent Resolution No. 104, Chapter 76, Statutes of 1965).

That in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of San Jose, being the legislative body of said City, on its own motion, duly and regularly proposed and submitted to the qualified electors of said City of San Jose a certain proposal for the amendment of the Charter of said City to be voted upon by the said qualified electors at the general municipal election held in said City on the third day of June, 1969, all as required by law, which said proposal was designated as "Charter Amendment—Proposition A".

That said proposed amendment was published and advertised in accordance with Section 8 of Article XI of the Constitution of the State of California, on the eighth day of April, 1969, in the "San Jose News", a daily newspaper of general circulation published, printed and circulated in said City, and being the official newspaper of said City for said purpose, and in each edition thereof during the day of publication.

That copies of said proposed charter amendment were printed in convenient pamphlet form in type of not less than ten-point, and were mailed to each of the qualified electors of said City in accordance with the Constitution of the State of California; and an advertisement that copies thereof could be had upon application therefor at the office of the City Clerk of the City of San Jose was published, printed and circulated in said City, on the ninth day of April, 1969, and each day thereafter to and including the second day of June, 1969, all as required by Section 8 of Article XI of the Constitution of the State of California; that copies of said pamphlet containing said proposed charter amendment could be had upon application therefor at the office of the City Clerk of said City on and after the ninth day April, 1969, to and including the third day of June, 1969, the date fixed for said election.

That said proposed charter amendment was submitted to the electors of said City of adoption and ratification at the general municipal election duly and regularly held in said City of San Jose on the third day of June, 1969, which said date was not less than forty, nor more than sixty, days after the completion of the advertising in the above mentioned official paper of the proposed charter amendment aforesaid.

That at said general municipal election a majority of the qualified electors voting upon said proposed charter amendment voted in favor of it and adopted and ratified the same.

That said amendment to the Charter of the City of San Jose, so adopted and ratified by the qualified electors of said City, amends said Charter as follows:

CHARTER AMENDMENT—PROPOSITION A

That Section 1106 of the Charter of the City of San Jose be amended to read as follows:

"Section 1106. Employees of Consolidated Cities. Except as otherwise required by such laws of the State of California as are applicable to charter cities, all officers and employees of any city (hereinafter called "consolidated city") hereafter consolidated with the City of San Jose, who were full-time officers or employees of such consolidated city upon the date of election held in such consolidated city for such consolidation, when such officers or employees would be included in the classified service of the City of San Jose, shall from the effective date of such consolidation be deemed to have their names upon eligible lists for respective types of positions held by them, and to be qualified for appointment to such respective positions."

We further certify that we have compared the text of the foregoing amendment with the original proposal submitting the same to the electors of said City and find that the foregoing is a full, true, correct, complete and exact copy thereof. That as to said amendment, this certificate shall be taken as a full certification of the regularity of all proceedings had and done in connection therewith.

In witness whereof, we have hereunto set our hands and have caused the corporate seal of the City of San Jose to be affixed hereto this 10th day of July, 1969.

RONALD R. JAMES
(SEAL) Mayor of the City of San Jose
FRANCIS L. GREINER
City Clerk of the City of San Jose

and

WHEREAS, The proposed charter amendment, as ratified as hereinabove set forth, has been and now is duly presented and submitted to the Legislature of the State of California for

approval or rejection, as a whole without power of alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, a majority of all the members elected to each house voting therefor and concurring therein, That the amendment to the Charter of the City of San Jose as proposed to, and adopted and ratified by, the electors of the city, as hereinbefore fully set forth, is hereby approved as a whole, without alteration or amendment, for and as an amendment to, and as part of the Charter of, the City of San Jose.

RESOLUTION CHAPTER 277

Senate Concurrent Resolution No. 161—Relative to leaves of absence of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Controller, Treasurer, Superintendent of Public Instruction, members of the Board of Equalization and the State Personnel Board, and Members of the Senate and Assembly.

[Filed with Secretary of State August 7, 1969]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That leaves of absence from the state for a longer period than 60 days during their terms of office are hereby granted to His Excellency Ronald Reagan, Governor of the State of California; to the Honorable Ed Reinecke, Lieutenant Governor of the State of California; to Frank M. Jordan, Secretary of State; to Thomas C. Lynch, Attorney General; to Houston I. Flournoy, Controller; to Ivy Baker Priest, Treasurer; to Max Rafferty, Superintendent of Public Instruction; to George R. Reilly, John W. Lynch, Paul R. Leake, and Richard Nevins, members of the Board of Equalization; to Joseph L. Wyatt, Jr., Robert M. Wald, Samuel Leask, May Layne Davis, and Nita Wenter, members of the State Personnel Board; and to the following Members of the Senate and the Assembly:

Senators Alfred E. Alquist, Anthony C. Beilenson, Clark L. Bradley, Clair W. Burgener, Hugh M. Burns, Tom Carrell, Randolph Collier, Gordon Cologne, William E. Coombs, Lou Cusanovich, George E. Danielson, George Deukmejian, Ralph C. Dills, Richard J. Dolwig, Mervyn M. Dymally, Donald L. Grunsky, John L. Harmer, Joseph M. Kennick, Robert J. Lagomarsino, Milton Marks, Fred W. Marler, Jr., John F. McCarthy, James R. Mills, George R. Moscone, John A. Nejedly, Nicholas Petris, H. L. Richardson, Albert S. Rodda, John G. Schmitz, Jack Schrade, Lewis F. Sherman, Alan Short, Alfred H. Song, Robert S. Stevens, Walter W. Stiern,

Stephen P. Teale, Lawrence E. Walsh, Howard Way, James Q. Wedworth, James E. Whetmore; Assemblymen Henry Arklin, Robert E. Badham, William T. Bagley, E. Richard Barnes, Carlos Bee, Frank P. Belotti, Clare L. Berryhill, Robert G. Beverly, W. Craig Biddle, Yvonne W. Brathwaite, John V. Briggs, Carl A. Britschgi, Willie L. Brown, Jr., Robert H. Burke, John L. Burton, William Campbell, Eugene A. Chappie, John L. E. Collier, Charles J. Conrad, Kenneth Cory, Earle P. Crandall, Robert W. Crown, Mike Cullen, Pauline L. Davis, Wadie P. Deddeh, James W. Dent, Gordon W. Duffy, John F. Dunlap, Jack R. Fenton, March K. Fong, John F. Foran, Alex P. Garcia, Joe A. Gonsalves, Bill Greene, Leroy F. Greene, James A. Hayes, Tom Hom, Harvey Johnson, Ray E. Johnson, Walter J. Karabian, William M. Ketchum, John T. Knox, Frank Lanterman, Jerry Lewis, Ken MacDonald, Don MacGillivray, Leo T. McCarthy, Patrick D. McGee, George W. Milias, John J. Miller, Ernest N. Mobley, Bob Monagan, Carlos J. Moorhead, Bob Moretti, Don Mulford, Frank Murphy, Jr., Carley V. Porter, Walter W. Powers, Paul Priolo, John P. Quimby, Leon Ralph, David A. Roberti, Newton R. Russell, Leo J. Ryan, Peter F. Schabarum, Alan Sieroty, Kent H. Stacey, John Stull, Vincent Thomas, L. E. Townsend, Jesse M. Unruh, John Vasconcellos, Victor V. Veysey, Floyd L. Wakefield, Charles Warren, Henry A. Waxman, Pete Wilson, Bob Wood, Edwin L. Z'berg, George N. Zenovich.

The leaves of absence granted by this resolution are also granted to the successors of any of the above-named officers during their terms of office as such successors.

RESOLUTION CHAPTER 278

Assembly Concurrent Resolution No. 25—Relative to use of certain property by Hastings College of the Law.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The Members of the Legislature recognize that the Hastings College of the Law is an indispensable unit of the public schools of the state necessary to provide competent lawyers to meet the needs of the people of California; and

WHEREAS, Certain property located at 55 and 75 Hyde Street, known as the old Bancroft Whitney Building, in San Francisco, is now owned by the State of California and is now being leased to and used by Hastings College of the Law; and

WHEREAS, This property is located directly across the street from the present facilities of Hastings College of the Law; and

WHEREAS, The continued exclusive use of this property by Hastings College of the Law will provide a continued efficiency

of operation essential to maintenance of the excellent legal education for which the school has acquired international fame and acclaim; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That it is the express intent of the Legislature that the property located at 55 and 75 Hyde Street, known as the old Bancroft Whitney Building, in San Francisco, which is now owned by the State of California, is to be reserved for the exclusive use of Hastings College of the Law; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Hastings College of the Law and to the Director of General Services.

RESOLUTION CHAPTER 279

Assembly Concurrent Resolution No. 31—Relative to student health needs.

[Filed with Secretary of State August 8, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Trustees of the California State Colleges to study the health-care needs of all of the state colleges and to report the results of the study and recommendations to the Legislature not later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Trustees of the California State Colleges.

RESOLUTION CHAPTER 280

Assembly Concurrent Resolution No. 109—Relative to the employment of clients of rehabilitation workshops.

[Filed with Secretary of State August 8, 1969]

WHEREAS, It is the public policy of the State of California to assist and encourage handicapped and disadvantaged individuals to attain their maximum usefulness and self-sufficiency in order that they may make their full contribution to society; and

WHEREAS, Rehabilitation workshops for the handicapped are recognized as an effective method for helping handicapped people achieve maximum usefulness and self-sufficiency and are utilized by the State Department of Rehabilitation to help its disabled clients achieve usefulness and self-sufficiency; and

WHEREAS, An adequate and consistent flow of work contracts is essential if these private, nonprofit rehabilitation workshops are to carry on their programs effectively on behalf of these disabled and disadvantaged clients; and

WHEREAS, The State of California, through the General Services Administration, purchases annually a large volume of goods and services, many of which may be furnished through rehabilitation workshops; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge and encourage the Department of General Services to explore with the California Association of Rehabilitation Workshops ways in which these rehabilitation workshops can participate in the purchasing program of the State of California; and be it further

Resolved, That, where feasible, rehabilitation workshops be given preferential consideration in awarding contracts, so that the State of California helps insure, along with private industry, an adequate flow of work contracts for the disabled clients of rehabilitation workshops, to the end that the public policy of California in regard to its handicapped citizens may be further implemented; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the Department of General Services and the California Association of Rehabilitation Workshops.

RESOLUTION CHAPTER 281

Assembly Concurrent Resolution No. 133—
Relative to state water projects.

[Filed with Secretary of State August 8, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Director of Water Resources is requested to report to the Legislature after authorizing or adopting any project or major feature of any project; and be it further

Resolved, That the Chief Clerk of the Assembly and the Secretary of the Senate transmit any report submitted to the Legislature to the appropriate standing or interim water committees; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 282

Assembly Concurrent Resolution No. 151—
Relative to Robert F. Fisher.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, Robert F. Fisher is a noted agricultural leader and a civic leader, and has been a resident of Humboldt County since 1912; and

WHEREAS, He is the last remaining Spanish-American War Veteran in Humboldt County; and

WHEREAS, He served the people of this county for three terms in the State Assembly, having been elected by the people of his district to the Assembly in 1926, 1928, and 1930; and

WHEREAS, Robert Fisher has long been a highly respected and admired community leader in the Carlotta-Hydesville area of Humboldt County; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the new bridge over Yager Creek on State Highway Route 36 at Carlotta is hereby officially designated the Robert F. Fisher Bridge; and be it further

Resolved, That the Department of Public Works is hereby requested to erect and maintain appropriate signs on such bridge showing the official designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 283

Assembly Concurrent Resolution No. 156—Relative to making additional funds available to the Joint Legislative Audit Committee.

[Filed with Secretary of State August 8, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of six hundred fifty thousand dollars ($650,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the payment of any and all expenses of the Joint Legislative Audit Committee (created by Section 10501 of the Government Code) and its members and for any charges, expenses, or claims it may incur, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 284

Assembly Concurrent Resolution No. 212—Relative to the International Association on Water Pollution Research.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The International Association on Water Pollution Research was formed in 1960 to bring scientists and engineers from throughout the world together in the fight against water pollution; and

WHEREAS, The objectives of the association are to contribute to a better understanding of water pollution problems, to encourage the exchange of scientific knowledge to better enable the nations of the world to combat water pollution problems, to narrow the gap between actual and optimum use of water resources, and thus to contribute to continuing social and economic progress; and

WHEREAS, A lack of maximum communication and coordination between research programs has retarded efforts to effectively utilize all funds available for water pollution research performed in various countries; and

WHEREAS, Efforts by the International Association on Water Pollution Research have materially assisted in alleviating duplication in pollution research, have fostered the exchange of scientific research data, and have significantly benefited all nations in their programs to control water pollution; and

WHEREAS, The international association has sponsored biannual conferences on water pollution research which have provided scientists, engineers, and administrators a forum for formulating an international activities program to permit concerted and cooperative water pollution research; and

WHEREAS, The Fifth International Conference on Water Pollution Research has been scheduled for San Francisco, California, from July 26 through August 1, 1970; and

WHEREAS, The activities of the international association have assisted in the maintenance of effective water pollution research and have facilitated the development of an effective attack upon problems of water pollution to the benefit of all nations; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the International Association on Water Pollution Research for its contributions to the development of a broader scientific knowledge of water pollution problems; and be it further

Resolved, That the members find and declare that the Fifth International Conference on Water Pollution Research, which will be held in San Francisco from July 26 through August 1, 1970, will deal with one of the most important problems of modern civilization and is, additionally, of tremendous importance to the continued growth, prosperity, and well-being of the people of the State of California; and be it further

Resolved, That the members request the Governor, all state departments and agencies, and other interested persons and organizations, both public and private, to support the Fifth International Conference on Water Pollution Research and to assist and cooperate fully with the International Association

on Water Pollution Research, the United States National Committee, and the California Host Committee IAWPR—1970 in making the 1970 conference the best, most productive, and most successful yet held; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the Secretary of the Resources Agency, the Director of Water Resources, and the State Water Resources Control Board.

RESOLUTION CHAPTER 285

Assembly Concurrent Resolution No. 236—Relative to Redlands Day at the San Bernardino County Fair.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, In the year 1881 the community of Redlands was founded, a township situated in the beautiful San Bernardino Valley, encircled by majestic snow-capped mountains, taking its name from the color of the earth in the area; and

WHEREAS, Upon incorporation in 1888, Redlands was soon known as a city of rare charm and beauty, becoming a popular resort for eastern visitors drawn by the mild climate and attractive residential sections of this land of sunshine, oranges and flowers; and

WHEREAS, The City of Redlands' reputation as an outstanding residential, cultural and educational community is widely known and appreciated, with the community characterized by many lovely hillside homes affording breathtaking vistas of the valley below, the University of Redlands, public art galleries and libraries, little theater groups, as well as concerts in the world-famous Redlands Bowl; and

WHEREAS, Long known as the navel orange capital of the world, Redlands has diversified its industry and commerce in recent years successfully adding to its economic prosperity and stability; and

WHEREAS, Redlands has by all these attributes made an outstanding contribution to the County of San Bernardino and the State of California; and

WHEREAS, On August 28, 1969, the Board of Directors of the San Bernardino County Fair will honor the City of Redlands by declaring August 28, 1969, to be Redlands Day at the San Bernardino County Fair; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature congratulate and commend the citizens of Redlands on the occasion of Redlands Day at the San Bernardino County Fair; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Mayor of the City of Redlands.

RESOLUTION CHAPTER 286

Assembly Joint Resolution No. 48—Relative to uniform nationwide standards of public assistance.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, It has long been the policy of the state and counties of California to provide public assistance for needy citizens on a more adequate level than most states; and

WHEREAS, The Legislature finds that the absence of uniform and equitable standards of aid to the needy among the several states is a factor contributing significantly to the rising number of public assistance recipients in California who have recently migrated from other states; and

WHEREAS, Recent changes in federal welfare laws and regulations have shifted a greater financial burden to the state and counties of California and thus reduced the federal share of welfare costs; and

WHEREAS, Recent court decisions and increased caseload growth have combined to greatly increase state and county welfare costs so that the situation is approaching crisis proportions; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to establish uniform and equitable standards of aid on a nationwide basis in order to permit needy persons to be more adequately aided in their native states and thus reduce the impetus to migration because of unmet need; and be it further

Resolved, That pending the establishment of equitable standards of aid on a nationwide basis, the federal government finance public assistance payments made to recipients who do not meet the length of residence requirements that were operative in California and other states before being declared void by federal courts, and that such federal financing continue in each case until the length of residency requirements that were in existence have been met by each recipient; and be it further

Resolved, That the apparent policy of the federal government to shift an ever greater proportion of the cost of welfare to the states be reversed in view of the greater elasticity of federal tax bases and resources over those available to state and local governments; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 287

Assembly Joint Resolution No. 52—Relative to the California Maritime Academy.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The California Maritime Academy has been established to prepare students for a maritime profession; and

WHEREAS, The academy is of benefit to the State of California and the federal government and has been funded by both the state and federal governments; and

WHEREAS, The State of California currently funds 65.7 percent of the academy's cost which is an increase of 16.5 percent since 1959–60; and

WHEREAS, The federal government currently funds 17.9 percent of the academy's budget which is a decrease of 8.3 percent since 1959–60; and

WHEREAS, The decreased percent of federal funding is due to a fixed dollar amount formula which does not change for normal price and program cost increases; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to increase the federal government's share of funding for the California Maritime Academy to its previous level; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and the Board of Governors of the California Maritime Academy.

RESOLUTION CHAPTER 288

Assembly Joint Resolution No. 59—Relative to federal-aid primary highway funds.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The federal-aid primary highway system in California includes some of the nation's best known routes, such as Route 101 on the California coast, Route 50 from Sacramento to Lake Tahoe, and Route 1, the Pacific Coast Highway, from Ventura to San Clemente; and

WHEREAS, The geographical expanse of California lends itself to use of the motor vehicle as the primary means of meeting the transportation needs of the people of this state; and

WHEREAS, The Redwood National Park and Point Reyes National Park have recently been established within the state and these parks will generate additional traffic on federal-aid primary system as well as our state highways in areas of the state where such systems are already seriously inadequate to service present traffic demands; and

WHEREAS, The improvement of a large portion of the mileage on this system which is needed now cannot be budgeted because of the lack of funds; and

WHEREAS, Federal gasoline taxes collected are approximately 20 percent greater than the road funds returned to California from the federal government; and

WHEREAS, Substantial deficiencies in federal, state and local highways and roads in California would seem to indicate a greater portion of federal funds should be returned to California to help meet its highway needs; and

WHEREAS, The method for distributing federal funds to the states for use on the primary system was first developed in 1916 and is based upon one-third population, one-third area, and one-third post road mileage; and

WHEREAS, The California Department of Public Works is now undertaking a federally mandated functional classification study of all streets and highways in the state; and

WHEREAS, Such functional classification study may substantially affect the distribution of federal funds throughout the state; and

WHEREAS, Additional factors, such as miles of roadway, number of fatal and injury accidents, vehicle miles traveled, and motor vehicle registrations should be considered in distributing funds; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to provide for the distribution of federal-aid primary highway funds on a more currently realistic basis than the outdated formula now used; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Department of Transportation, the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 289

Assembly Joint Resolution No. 47—Relative to the federal food-stamp and commodity distribution programs in California.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The Congress has created food-stamp and commodity distribution programs, which have been implemented by legislative action in California; and

WHEREAS, These programs were designed by Congress to provide surplus food to the hungry and needy "to the maximum extent practicable"; and

WHEREAS, On December 30, 1968, a federal court in San Francisco ordered the United States Secretary of Agriculture to immediately implement one or both of these food supplement programs in every California county, but thus far the secretary has taken no action to implement the programs in counties of California which presently do not operate them; and

WHEREAS, The federal court also found that there is substantial hunger in each California county without a food supplement program, and that sufficient federal funds are available to implement the programs; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully requests the President and Congress of the United States to transfer the administration of the federal food-stamp and commodity distribution programs from the United States Department of Agriculture to the United States Department of Health, Education, and Welfare, where their implementation may receive a more favorable response; and be it further

Resolved, That the President and the Congress of the United States are urged to investigate the reluctance of the United States Department of Agriculture to implement these programs in California pursuant to federal court order to determine if congressional intent has not been observed; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Agriculture, to the Secretary of Health, Education, and Welfare, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 290

Senate Concurrent Resolution No. 14—Relative to the creation of the Joint Committee on Reorganization of Large Urban School Districts.

[Filed with Secretary of State August 8, 1969]

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Reorganization of Large Urban Unified School Districts is hereby created and authorized and

directed to ascertain, study and analyze all facts relating to the Los Angeles City School District and the advisability, from a governmental and educational standpoint, of dividing the district into smaller units or of any other suitable solution, including an analysis of the most practical methods and forms of reorganization which would accomplish such a solution. The committee shall also ascertain, study and analyze the whole need of the Los Angeles City School District and the complex problems facing the district as a result of the concentration of minority groups, the heavy centralization of poverty in the core area of the city, and the large size of the district. The committee shall also study and analyze, including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating to the subject of this resolution, and to report thereon to the Legislature, including in the report its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Senate, appointed by the Committee on Rules thereof, and five Members of the Assembly, appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment until the commencement of the 1970 Regular Session, with authority to file its final report not later than June 30, 1970.

4. The committee and each subcommittee thereof is authorized to leave the State of California in the performance of its duties.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

6. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature and to the people from time to time and at any time, not later than herein provided.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

7. The sum of eighty thousand dollars ($80,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 291

Senate Concurrent Resolution No. 67—Relative to state highways.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The state highways of California are of extreme importance to the growth of the state and the welfare of its citizens; and

WHEREAS, The emphasis of the Department of Public Works in recent years has been upon the completion of the California portions of interstate highways; and

WHEREAS, State highways not included in the interstate highway system have been given a low priority, resulting in inadequate expansion and development of these highways; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members urge the Department of Public Works and the California Highway Commission to raise the priority level of construction of state highways which are not a part of the interstate highway system and to raise the financial expenditure on the improvement of these highways; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the California Highway Commission and to the Department of Public Works.

RESOLUTION CHAPTER 292

Senate Concurrent Resolution No. 72—Relative to urging the Department of Mental Hygiene to apply the methods of the Geriatric Screening Project of San Francisco.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, Because of the spectacular results of the Geriatric Screening Project, initiated and funded by the 1963 Legislature, the City and County of San Francisco have made the project a permanent part of their program; and

WHEREAS, The high rate of "inappropriate commitments" among our aged population has for many years harmed those so committed, overburdened the state facilities, and reduced the care available to those most in need; and

WHEREAS, The small staff of highly trained persons from the Department of Mental Hygiene, working in cooperation with San Francisco Community Health Services, placed the emphasis on screening patients in their home surroundings prior to admission to county facilities; and

WHEREAS, Their efforts resulted in a drop in county admissions from 661 to 262 per year by 1967, and a staggering cut in state commitments from 306 in 1964 to 3 in 1967; and

WHEREAS, Out of a total of 1,290 persons screened during 1965, 1966, and 1967, the team found it possible to continue the care of 45 percent of these people in the security and comfort of their own homes by the use of some supportive services; and

WHEREAS, Out of the entire number screened during this period, 51 percent were placed in nursing homes, boarding homes, county and private medical hospitals, leaving an almost unbelievable 4 percent for commitment to state hospitals; and

WHEREAS, The project was honored in 1966 by the APA Hospital and Community Psychiatry Service Achievement Award; and

WHEREAS, The wide application of methods developed by this project will result in great benefits to the individual geriatric patients and will mean better and more concentrated care for a smaller number of patients in state institutions, with substantial savings to the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Mental Hygiene be urged to institute a statewide county-by-county program to persuade the several counties to adopt methods developed by the geriatric team; and be it further

Resolved, That the department be requested to submit a program report to the Legislature by the 30th day of the 1970 session; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Department of Mental Hygiene and to the board of supervisors of each county.

RESOLUTION CHAPTER 293

Senate Concurrent Resolution No. 87—Relating to the establishment of a school of veterinary medicine in southern California.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The 1965 Legislature adopted Assembly Concurrent Resolution No. 85 (Stats. 1965, Res. Ch. 151), calling upon the Board of Regents of the University of California to conduct an in-depth study of the feasibility and advisability of establishing a second school of veterinary medicine to be located in southern California in the near future; and

WHEREAS, The regents thereafter instructed its staff to conduct such a study, and a report was rendered by a special academic committee appointed by the president of the university in May of 1966, but has not yet been made public; and

WHEREAS, That report asserted that the establishment of such a school in the southern part of the state was feasible and would fulfill the pressing need for training an increased number of doctors of veterinary medicine in southern California; and

WHEREAS, This report has been held in confidence by university officials because of their concern that initiation of a school of veterinary medicine in southern California at this time would interfere with the orderly development of other university medical schools, but there is no evidence to support this fear nor is there any justifiable connection or overlap between the two types of institutions; and

WHEREAS, The 1968 Legislature adopted Senate Concurrent Resolution No. 66 (Stats. 1968, Res. Ch. 187) urging the Board of Regents of the University of California to make public this special report and to accelerate planning and budgeting for a southern school of veterinary medicine; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Board of Regents of the University of California is urged to make public the special report prepared in response to ACR 85 of the 1965 Regular Session of the Legislature; and be it further

Resolved, That the Legislature strongly urges the board of regents to accelerate planning and budgeting for a southern California school of veterinary medicine, and to include initial funds therefor in its 1970–71 budget proposals which will be submitted to the Governor late this year; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to each member of the Board of Regents of the University of California.

RESOLUTION CHAPTER 294

Senate Concurrent Resolution No. 119—Relative to the Miller-Unruh Basic Reading Act of 1965.

[Filed with Secretary of State August 8, 1969]

WHEREAS, Sixteen million dollars ($16,000,000) was appropriated for the Miller-Unruh Basic Reading Act of 1965 for the 1968–1969 fiscal year; and

WHEREAS, The inability of applicant school districts to employ the total number of specialist teachers in reading approved for funding by the Department of Education has resulted in the allocation of less than the full appropriation; and

WHEREAS, Sufficient funds remain to provide for the employment on an annual basis of 77 additional specialist teachers in reading; and

WHEREAS, Other school districts would have become eligible for funds for specialist teachers in reading had the inability of approved applicant districts to employ the approved number of teachers been known at the time applications were being approved for funding; and

WHEREAS, Eligibility in the 1968–1969 fiscal year would have placed such districts in a first priority position for the 1969–1970 fiscal year as participating districts under the provisions of Section 5792 of the Education Code; and

WHEREAS, First priority position for the 1969–1970 fiscal year is being denied these districts through unforeseen factors over which the school district or the Department of Education had no control; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Department of Education to include as participating districts under the provisions of Section 5792 of the Education Code for the 1969–1970 fiscal year, those districts which would have received allocations for specialist teachers in reading had the full appropriation of sixteen million dollars ($16,000,000) been allocated for the 1968–1969 fiscal year; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction.

RESOLUTION CHAPTER 295

Senate Concurrent Resolution No. 134—Relative to the Temple City Differentiated Staffing Program.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The retention of experienced teachers is one of the most important means of maintaining the excellent quality of the educational system in California; and

WHEREAS, The Temple City Differentiated Staffing Program is a dynamic project that encourages teachers to stay in teaching; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Department of Education to evaluate the Temple City Differentiated Staffing Program for the purpose of determining feasibility of its application in other school districts and to determine the advisability of state expenditure for the establishment of other Temple City programs in these school districts; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Department of Education.

RESOLUTION CHAPTER 296

Senate Concurrent Resolution No. 148—Relative to private schools.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, There are presently more than one thousand privately owned and operated schools, colleges, universities and other institutions of higher education and post-high-school education in the State of California; and

WHEREAS, Division 21 (commencing with Section 29001) of the Education Code of the State of California governs the operation of such diverse institutions as universities offering the full spectrum of higher education and programs through doctorate degrees, as well as proprietary schools and institutes offering limited special courses and programs in technical, occupational, vocational, and paraprofessional training; and

WHEREAS, It is the intent and policy of the Legislature to encourage improvement and innovation in all areas of public and private educational endeavor, and at the same time to protect the integrity of degrees offered by all institutions of higher education in the state, public as well as private; and

WHEREAS, The findings of a study of Division 21 of the Education Code conducted pursuant to Senate Resolution 239 of the 1968 Regular Session by the staff of the Senate Committee on Education indicate that improvement in the functioning of Division 21 is desirable and may be achieved by revising the division; and

WHEREAS, One of the functions of the Coordinating Council for Higher Education is to provide advice regarding the development of plans and revisions of existing procedures regarding higher education in the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Coordinating Council for Higher Education, with the cooperation of the State Depart-

ment of Education and the State Superintendent of Public Instruction, is directed (1) to conduct a study on the implications contained in Senate Bill 1244 of the 1969 Regular Session regarding the revision of Division 21 of the Education Code, (2) to develop alternate methods to those currently provided in paragraph (3) of subdivision (a) of Section 29007 of the Education Code for the establishment of new private institutions of higher education and for the development of additional courses of study and academic programs at such institutions, and (3) to review the overall operation of Division 21 as it currently functions within the state; and be it further

Resolved, That the Coordinating Council for Higher Education report to the Legislature on or before the fifth legislative day of the 1970 Regular Session as to its findings and recommendations; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Coordinating Council for Higher Education, the State Board of Education, and the State Superintendent of Public Instruction.

RESOLUTION CHAPTER 297

Senate Concurrent Resolution No. 151—Relative to Sacramento-San Joaquin Delta levees.

[Filed with Secretary of State August 8, 1969]

WHEREAS, The Sacramento-San Joaquin Delta, as defined in Section 12220 of the Water Code, has been subjected to long periods of high flow during the first half of the 1969 calendar year; and

WHEREAS, Much of the delta consists of lands below sea level protected by a vast network of levee systems; and

WHEREAS, A number of delta levees failed during the early part of 1969, and others were threatened and seriously weakened by such high flows and high tides; and

WHEREAS, Many of the levees have been constructed by local reclamation districts and a few have been constructed and maintained by state and federal agencies as project levees, and some areas are protected by both locally constructed and project levees, necessitating high standards of maintenance on locally constructed levees to insure the functioning of the project levees; and

WHEREAS, The failure of any of such levees results in severe economic loss to the local area, the state, and the United States; and

WHEREAS, During times of emergency large sums of federal and state moneys are expended to keep the various levee systems from failing and to repair levees which have failed; and

WHEREAS, Many of the levees within the delta area have deteriorated over the years due to a variety of causes, and others must be periodically raised to offset settlement, and these levees may be subject to failure at almost any time; and

WHEREAS, It has become increasingly recognized that preservation of natural beauty, shade, and wildlife habitat on the levees is important from a recreational and esthetic viewpoint; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Water Resources is requested to undertake a general review of the condition of all levees within the Sacramento-San Joaquin Delta area, with particular emphasis on those levees considered to be substandard, and to include in such review a preliminary evaluation of the factors and costs involved in bringing the levees up to a safe condition and maintaining them in a safe condition and the extent to which such improvements might reduce the requirements of emergency expenditures; and be it further

Resolved, That in undertaking such review recognition be given to those areas where growth on such levees or the berms thereof can be permitted for esthetic purposes without endangering the maintenance of safe levees; and be it further

Resolved, That recommendations be made as to the sharing by local, state, and federal governments of costs necessary to bring such levees up to safe standards and for the continuous operation and maintenance thereof, and as to a means of collection of such costs; and be it further

Resolved, That the Department of Water Resources is requested to confer, in making its review, with local, federal, and other state agencies, including the State Reclamation Board, and flood control, recreational, and navigational interests, and to submit a preliminary report to the Legislature not later than February 1, 1970, containing recommendations on surveys and studies that are necessary to develop a comprehensive plan of action; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 298

Senate Concurrent Resolution No. 157—Relative to state water supply contracts.

[Filed with Secretary of State August 8, 1969]

WHEREAS, The Department of Water Resources has entered into 31 contracts for supplying water from the State Water Resources Development System; and

WHEREAS, Occasions arise from time to time for amending or interpreting such contracts; and

WHEREAS, Some amendments or interpretations may deal with decisions which have a significant impact on the financing of the State Water Resources Development System; and

WHEREAS, It is desirable that the Legislature, through its water committees, be informed of these proposed decisions so that the department can receive the benefit of their recommendations; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Director of Water Resources to inform the Legislature, through copies presented to the Chairman of the Senate Committee on Water Resources and the Chairman of the Assembly Water Committee, of all proposed changes to the water supply contracts, or policy determinations thereunder, which the director deems to be of significant importance affecting project financing and feasibility or manner of meeting original commitments to deliver water; and be it further

Resolved, That the Director of Water Resources not enter into any such major contract amendments or policy determinations for 90 days after so notifying the legislative committees, unless prior to that time the committees present their comments and recommendations thereon to the director, or unless the director determines in a given situation that the proposed amendments or policy determinations are of such an urgent nature that immediate execution is required, in which case he shall so notify the committees; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 299

Senate Constitutional Amendment No. 26—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1 of Article XVI thereof, relating to state indebtedness.

[Filed with Secretary of State August 8, 1969]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 1 of Article XVI thereof to read:

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or

in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars ($300,000), except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect unless it has been passed by a two-thirds vote of all the members elected to each house of the Legislature and until, at a general election or at a direct primary, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

Notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with the State Allocation Board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending or coming before such board for the allocation and apportionment of funds to school districts for school construction purposes or purposes related thereto.

Notwithstanding any other provision of this constitution, or of any bond act to the contrary, if any general obligation bonds of the state heretofore or hereafter authorized by vote of the people have been offered for sale and not sold, the Legislature may raise the maximum rate of interest payable on all general obligation bonds authorized but not sold, whether or not such bonds have been offered for sale, by a statute passed by a two-thirds vote of all members elected to each house thereof.

The provisions of Senate Bill No. 763 of the 1969 Regular Session, which authorize an increase of the state general obligation bond maximum interest rate from 5 percent to an amount not in excess of 7 percent and eliminate the maximum rate of interest payable on notes given in anticipation of the sale of such bonds, are hereby ratified.

RESOLUTION CHAPTER 300

Senate Concurrent Resolution No. 55—Relative to the University of California and the California State Colleges.

[Filed with Secretary of State August 8, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature requests the University of California and the California State Colleges, in accepting applicants for enrollment, to utilize the following priorities:

(1) Applicants from the public junior colleges who have successfully completed two academic years, 50 or more semester units, of junior college work devoted primarily to courses of study for which transfer credit is afforded by the California State Colleges or the University of California.

(2) Honorably discharged veterans of United States military service who were residents of California at the time of their induction into the military service and who are otherwise eligible for admission. Such priority shall be granted only with respect to the first such application which is made by such persons, and in no case may more than 15 percent of the students at a state college or university campus be given priority pursuant to this provision.

(3) Applicants who hold a certification document issued by the State Board of Education upon partial fulfillment of requirements, and applicants who hold an internship credential or provisional credential issued by the State Board of Education. Such applicants, when otherwise qualified, shall be admitted by the state colleges to late afternoon, evening, and summer school classes when they are required to complete State Board of Education requirements for a partial. provisionsal or internship credential; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Regents of the University of California and the Trustees of the California State Colleges.

RESOLUTION CHAPTER 301

Senate Concurrent Resolution No. 155—Relative to memorializing Herbert Hoover, Jr.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature learned of the recent death of Herbert Hoover, Jr., eldest son of our 31st President, who distinguished himself in the service of our country and of the people of California; and

WHEREAS, Mr. Hoover, who was a graduate of Stanford University, received a Master of Business Administration degree from Harvard University, and received honorary degrees from such notable institutions as New York University, Rutgers University. Temple, University of Southern California, and Claremont Men's College; and

WHEREAS, Mr. Hoover served our country as Undersecretary of State, special adviser to the Secretary of State, and consultant to the governments of Chile, Venezuela, Iran, Brazil, and Peru, and was decorated for his many public services; and

WHEREAS, He served his fellow man and the people of this state in many capacities over his long and distinguished career, such as National Director of the Boys' Clubs of America, Trustee of the University of Southern California and of Claremont Men's College, Trustee of Freedoms Foundation at Valley Forge, Trustee of the Americas Foundation, teaching fellow at the California Institute of Technology, and as a member of the research staff of Harvard Business School; and

WHEREAS, Mr. Hoover also contributed greatly to the business community of our state by serving as director of the Southern California Edison Company, Monsanto Chemical Company, Pacific Mutual Life Insurance Company, Lockheed Aircraft Corporation, State Chamber of Commerce, United States Chamber of Commerce, and Automobile Club of Southern California, and as President of United Geophysical Company and President of Consolidated Engineering Corporation, and as Chairman of the California Freeway Support Committee of the California State Chamber of Commerce; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express to his family their sincere sympathy on the passing of Herbert Hoover, Jr.; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Mrs. Herbert Hoover, Jr., to his daughters, Mrs. Richard Tatem Brigham and Mrs. William Leland Vowles, and to his son, Herbert Hoover, III.

RESOLUTION CHAPTER 302

Senate Concurrent Resolution No. 159—Relative to "Space Pioneers Day."

[Filed with Secretary of State August 8, 1969.]

WHEREAS, The landing of two American astronauts on the surface of the moon on July 20, 1969, is an event sure to be remembered and honored by all future generations as an historical landmark comparable to the discovery of America by Columbus; and

WHEREAS, Such an event should be commemorated in a manner reflecting its historical significance; and

WHEREAS, Corporations, scientists, engineers, technicians and workingmen in California have played an essential part in making this splendid achievement possible, thereby serving their country and all mankind; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to proclaim July 20 as "Space Pioneers Day" in honor of the moon landing by American astronauts; and be it further

Resolved, That the Senate and the Assembly of the State of California respectfully memorialize the President and Congress of the United States to designate July 20 as a permanent national holiday to commemorate our space pioneers; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Governor of California, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 303

Senate Concurrent Resolution No. 160—Relative to Independent College Month.

[Filed with Secretary of State August 8, 1969.]

WHEREAS, Twenty-one of the finest liberal arts colleges of the West are associated as the Independent Colleges of Northern California, Inc., and the Independent Colleges of Southern California, Inc.; and

WHEREAS, These colleges are: Chapman College, Claremont Men's College, Claremont University Center, College of the Holy Names, College of Notre Dame, Dominican College of San Rafael, Immaculate Heart College, La Verne College, Loyola University, Mount St. Mary's College, Occidental College, Pepperdine College, Pitzer College, Saint Mary's College, San Francisco College for Women, Scripps College, Uni-

versity of the Pacific, University of Redlands, University of Santa Clara, Westmont College, and Whittier College; and

WHEREAS, These colleges, now educating nearly 30,000 students for greater service to society, are sustained through voluntary support, thus removing from the tax burden the education of these students; and

WHEREAS, Independent Colleges of Northern California, Inc., and Independent Colleges of Southern California, Inc., have demonstrated the value of cooperative effort between these two associations and the business and industrial corporations of California in the development of voluntary financial support totaling nine million dollars over the past 16 years; and

WHEREAS, The private colleges represent the vital freedom of choice, strengthening the pluralism and diversity important to higher education in California; and

WHEREAS, Their graduates enter society as intelligent employees, discriminating customers, responsible citizens and civic leaders; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members encourage widespread participation by all the citizens of California in wholeheartedly backing these colleges in every way and request the Governor to proclaim the month of September as Independent College Month; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Si Fluor and a copy of this resolution to Governor Reagan.

RESOLUTION CHAPTER 304

Senate Joint Resolution No. 33—Relative to the Marine Mineral Technology Center in Tiburon.

[Filed with Secretary of State August 8, 1969]

WHEREAS, There are indications that the 1970 Budget of the Marine Mineral Technology Center of the Bureau of Mines in Tiburon, California, is being reduced to the extent that the center will be required to dismiss 35 to 45 employees and to suspend operation of the research vessel "Virginia City"; and

WHEREAS, The Marine Mineral Technology Center of the Bureau of Mines is concerned with the vital development of unknown mineral resources of the ocean waters along the Pacific Coast and is a function necessary for the entire United States because, with the constant Soviet operations along the Pacific Coast to determine the extent and possibilities of mineral and fishing wealth, it is imperative that our country be the first to obtain such knowledge; and

WHEREAS, Curtailment of budget funds for the center would eliminate its offshore operations and limit accomplishments in the marine mineral field by the center; and

WHEREAS, The Marine Mineral Technology Center urgently requires reinstatement of approximately $600,000 to its working capital to continue the well-established work in the marine mining program on the Continental Shelf; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give prompt and full approval to the budget requirements of the Marine Mineral Technology Center in Tiburon, California, so that its invaluable services in behalf of the national interest may be sustained and implemented; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 305

Assembly Concurrent Resolution No. 68—Relative to awards to state employees.

[Filed with Secretary of State August 9, 1969]

WHEREAS, Section 13926 of the Government Code provides awards may be made to state employees in excess of one hundred fifty dollars ($150) when such awards are approved by concurrent resolution of the Legislature; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Betty L. Divine, Public Utilities Commission, for a suggestion that results in annual savings of six thousand one hundred eighty-nine dollars ($6,189) by recommending an improved system for processing and filing financial reports filed by utilities and motor carriers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Kendall A. Pratt, Department of Rehabilitation, for a suggestion that results in annual savings of three thousand one hundred forty-six dollars ($3,146) by recommending improved methods of purchasing and utilizing raw materials used in the manufacture of hospital sterilization wrappers by the Industries for the Blind; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Fred Rayburn, Division of Highways, for a suggestion that results in annual savings of thirteen thousand seven hundred nine dollars ($13,709) by recom-

mending that 20,000-lumen mercury vapor lamps be replaced every three (3) years instead of every two (2) years; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Myrtle L. Gillenwaters, Department of Motor Vehicles, for a suggestion that resulted in a one-time saving of twenty-six thousand seventy-three dollars ($26,073) by recommending an improved procedure for the transfer of ownership of confiscated vehicles; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Howard E. Allen, Department of Fish and Game, for a suggestion that results in annual savings of twelve thousand five hundred ninety-six dollars ($12,596) by designing and recommending a mechanical fish feeder for hatchery use; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Gregory McNew, Division of Highways, for a suggestion that results in annual savings of eight thousand one hundred fifty dollars ($8,150) by recommending an improved system for contracting utility services; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Madelen O. Smith, Department of Vocational Rehabilitation, for a suggestion that results in annual savings of six thousand nine hundred seventeen dollars ($6,917) by recommending an improved method of encumbering and disencumbering funds for medical services; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Earl R. Watson, California Highway Patrol, for a suggestion that results in annual savings of two thousand one hundred seventy-three dollars ($2,173) by recommending use of a form letter in lieu of dictated letters in responding to notice of Vehicle Code violation inquiries; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Donald O. Farley, Department of Corrections, for a suggestion that results in reoccurring savings of four thousand two hundred fifty dollars ($4,250) by recommending sealing and waterproofing only, instead of planned repainting, of brick cottages at the California Institution for Women; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Pauline M. Dennis, Ronald L. Smith, Richard H. Sulik and Wesley M. Fakunding, Board of Equalization, for a suggestion that results in annual savings of two thousand one hundred eighty-six dollars ($2,186) by recommending that cents be rounded to the nearest whole dollar on machine-prepared Forms BT-414, titled Auditors' Work Sheet—Sales and Use Tax; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Richard E. McNurlan, Department of Rehabilitation, Wayne Livesay, Bruce J. Martin and Raymond E. Maynard, Department of Correc-

tions, for a suggestion that results in annual savings of six thousand nine hundred twelve dollars ($6,912) by recommending a master pass list procedure to replace issuance of individual passes to residents and inmates required to appear for various appointments; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William T. Burton, Department of Mental Hygiene, for a suggestion that results in annual savings of sixteen hundred forty-five dollars ($1,645) by designing and recommending use of a shock absorber, to replace more expensive hydropads, to eliminate hydraulic shock in water lines; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Joan E. Taylor, California Highway Patrol, for a suggestion that results in annual savings of two thousand four hundred twenty-one dollars ($2,421) by recommending an improved version of the form set, CHP 281, Notice of Vehicle Code Violation and the discontinuance of the postcard form, CHP 282, Violation Clearance Notice; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to William F. Brock, Department of Conservation, for a suggestion that results in annual savings of fifteen thousand two hundred forty dollars ($15,240) by recommending that the mailing of district monthly activity reports to field offices be discontinued; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Verl H. Rasmussen, San Fernando Valley State College, for a suggestion that results in annual savings of two thousand six hundred dollars ($2,600) by designing and installing a conveyor system to carry records and charts between the three buildings of the college's health center; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Leland S. Roberts, Board of Equalization, for a suggestion that results in annual savings of forty-three thousand seven hundred fifty-nine dollars ($43,759) by recommending an improved procedure for obtaining information from the Department of Harbors and Watercraft for the purpose of identifying taxable vessel sales and transfers; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Beauford H. Dunn, Department of General Services, for a suggestion that results in annual savings of three thousand six hundred forty-four dollars ($3,644) by designing, building and installing delivery sheet guide fingers on the Dart press at the State Printing Plant, to increase press speed and production; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Everett B. Eggleston, Department of Mental Hygiene, for a suggestion that results in annual savings of thirteen thousand two hundred eight dollars ($13,-

208) by recommending use of transparent polycarbonate sheets instead of window glass at state hospitals, to replace glass where breakage is excessive and where one-hour fire separation is not required; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Howard F. Buchanan, Department of General Services, for a suggestion that results in annual savings of four thousand one hundred ninety-four dollars ($4,194) by recommending that the air supply and exhaust dampers in the Resources Building be controlled automatically rather than manually, in order to reduce power and gas costs; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Derry D. Burnett and Charles E. Wrye, California Highway Patrol, for a suggestion that results in annual savings of eight thousand seven hundred dollars ($8,700) by recommending that the Sacramento Stores Unit consolidate certain shipments to field offices with split deliveries, in order to take advantage of lower freight rates; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Wellington W. Brockman, Department of Corrections, for a suggestion that results in annual savings of one thousand nine hundred eight dollars ($1,908) by recommending use of a generator-powered emergency lighting system, at the Sierra Conservation Center, instead of a planned and budgeted battery-powered emergency lighting system; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Edith L. Vaaler, Division of Bay Toll Crossings, for a suggestion that results in annual savings of nine thousand four hundred eighty dollars ($9,480) by recommending the elimination of the second verification count of toll collectors' tickets; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Worley C. Jones, Jr., California Highway Patrol, for a suggestion that results in annual savings of two thousand nine hundred ninety dollars ($2,990) by recommending that forms titled "Authority to Release Information," be mailed to all potential state traffic officer applicants at the same time the form titled "Confidential Applicant Questionnaire" is mailed; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Del P. Bramlette, Division of Highways, for a suggestion that results in annual savings of one thousand eight hundred fifty dollars ($1,850) by designing and recommending use of a portable barge to facilitate soil investigation by the Bridge Department; and

WHEREAS, An award of one hundred fifty dollars ($150) has been made to Frank R. Dias, Department of Motor Vehicles, for a suggestion that results in annual savings of nine

thousand fifty-six dollars ($9,056) by recommending use of an improved procedure for verifying applications for duplicate ownership certificates; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to David M. Ferguson, Department of General Services, for a suggestion that results in annual savings of one thousand nine hundred fifty-seven dollars ($1,957) by designing and recommending use of a rolling carriage for swing stage scaffolding, used in window cleaning and other exterior building maintenance, that permits horizontal movement of the scaffolding without raising it after each drop; and

WHEREAS, An award of one hundred fifty dollars ($150), divided evenly, has already been made to Virgil L. Schroyer and Samuel Gray, Department of Corrections, for a suggestion that results in annual savings of five thousand six hundred eighty-one dollars ($5,681) by designing and recommending the manufacture and use of shipping pallets, constructed from discarded cylindrical paper cores received with shipments of rolled paper; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Oscar J. Madsen, Department of Fish and Game, for a suggestion that resulted in a one-time saving of three thousand six hundred sixteen dollars ($3,616) by developing and recommending use of a method of rejuvenating circular wooden hatchery tanks; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to James G. Updegraff, Department of Banking, for a suggestion that results in added annual income of two thousand one hundred five dollars ($2,105) by recommending a procedure that provides for earlier receipt and deposit of annual bank assessments; and

WHEREAS, An award of one hundred fifty dollars ($150) has already been made to Esther L. Fountain, Department of Employment, for a suggestion that results in annual savings of ninety-seven thousand dollars ($97,000) by recommending use of an improved procedure for the mailing of claim notices to employers; and

WHEREAS, The suggestions of these employees have resulted in one-time and recurring savings and recurring added income amounting to three hundred twenty-three thousand three hundred fifty-five dollars ($323,355); and

WHEREAS, As a result of these savings and added income it is unnecessary to appropriate additional funds for the payment of these awards; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the following additional awards, which have been approved by the State Board of Control, are hereby authorized to the employees named:

Betty L. Divine, four hundred sixty-nine dollars ($469);

Kendall A. Pratt, one hundred sixty-five dollars ($165);

Fred Rayburn, one thousand two hundred twenty-one dollars ($1,221);

Myrtle L. Gillenwaters, one thousand one hundred fifty-three dollars ($1,153);

Howard E. Allen, one thousand one hundred ten dollars ($1,110);

Gregory McNew, two hundred fifty-seven dollars ($257);

Madelen O. Smith, five hundred forty-one dollars ($541);

Earl R. Watson, fifty dollars ($50);

Donald O. Farley, two hundred seventy-five dollars ($275);

Pauline M. Dennis, seventeen dollars ($17);

Ronald L. Smith, seventeen dollars ($17);

Richard H. Sulik, seventeen dollars ($17);

Wesley M. Fakunding, seventeen dollars ($17);

Richard E. McNurlan, one hundred thirty-five dollars ($135);

Wayne Livesay, one hundred thirty-five dollars ($135);

Bruce J. Martin, one hundred thirty-five dollars ($135);

Raymond E. Maynard, one hundred thirty-five dollars ($135);

William T. Burton, fourteen dollars ($14);

Joan E. Taylor, ninety-two dollars ($92);

William F. Brock, one thousand three hundred seventy-four dollars ($1,374);

Verl H. Rasmussen, one hundred ten dollars ($110);

Leland S. Roberts, four thousand two hundred twenty-five dollars ($4,225);

Beauford H. Dunn, two hundred fourteen dollars ($214);

Everett B. Eggleston, five hundred ten dollars ($510);

Howard F. Buchanan, two hundred sixty-nine dollars ($269);

Derry D. Burnett, three hundred sixty dollars ($360);

Charles E. Wrye, three hundred sixty dollars ($360);

Wellington W. Brockman, forty dollars ($40);

Edith L. Vaaler, seven hundred ninety-eight dollars ($798);

Worley C. Jones, Jr., one hundred forty-nine dollars ($149);

Del P. Bramlette, thirty-five dollars ($35);

Frank R. Dias, six hundred sixty-five dollars ($665);

David M. Ferguson, forty-six dollars ($46);

Virgil L. Schroyer, two hundred nine dollars ($209);

Samuel Gray, two hundred nine dollars ($209);

Oscar J. Madsen, thirty dollars ($30);

James G. Updegraff, sixty dollars ($60);

Esther L. Fountain, four thousand six hundred dollars ($4.600); and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the State Board of Control and the State Controller.

RESOLUTION CHAPTER 306

Assembly Concurrent Resolution No. 210—Relative to a study of state subventions for controlling campus disturbances.

[Filed with Secretary of State August 9, 1969]

WHEREAS, Current events in higher education have resulted in law enforcement expenses for controlling disturbances on the campuses of the University of California, the California State Colleges, and the public junior colleges; and these expenses have been borne by the local taxpayer and his community; and

WHEREAS, There is a wide spectrum of opinion regarding provision for these expenses; and

WHEREAS, Proposals have been put forth requiring the local community to cover such expenses, on the ground that a college or university campus is an economic asset to the community, and any liability should also accrue to the community, although this might put a strain on this community; and

WHEREAS, Still other proposals would request aid from the General Fund of the State of California in covering such expenses, on the ground that the state finances public higher education in general, although it is local agencies that furnish law enforcement assistance; and

WHEREAS, All of these questions require careful consideration in arriving at a viable solution to the problem; and

WHEREAS, The report of the Select Committee on Campus Disturbances has recommended this area for further legislative study; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee study the subject of state subventions to local government for law enforcement expense for controlling disturbances on the campuses of public higher education in California; and be it further

Resolved, That the Joint Legislative Budget Committee report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1970 Regular Session.

RESOLUTION CHAPTER 307

Assembly Concurrent Resolution No 243—Relative to Redwood Discovery Day.

[Filed with Secretary of State August 9, 1969]

WHEREAS, The coast redwood of California is the tallest and most famous of trees and in combination with the redwood of the Sierra has been declared the official tree of the State of California; and

WHEREAS, Sequoia sempervirens is also the largest useful plant on earth, providing more than a quarter-billion dollars worth of products each year, direct employment for 20,000 persons, and economic stability to many communities in the 15-county redwood region; and

WHEREAS, Outside the 175,000 acres of Sequoia sempervirens forever saved in governmental parks and reserves, the commercial forests are being managed by enlightened practices that will assure a supply of redwood timber in perpetuity at the present annual level of harvest; and

WHEREAS, The recent creation of a Redwood National Park has focused the attention and concern of peoples around the world on the need to both wisely use this great renewable resource and to carefully preserve outstanding specimens; and

WHEREAS, The year 1969 is being observed as the bicentennial of the beginnings of many events of historical, cultural and economic significance to the State of California, including the discovery of the coast redwood in Santa Cruz County by Fray Juan Crespi, diarist and chaplain of the Don Gaspar de Portolá expedition; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members urge Governor Ronald Reagan to proclaim Friday, October 10, 1969, as Redwood Bicentennial Discovery Day in honor of the bold men of the Portola party and in recognition of the continuing bounty, esthetic and economic, provided to all citizens by our official state tree; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Governor Ronald Reagan.

RESOLUTION CHAPTER 308

Assembly Constitutional Amendment No. 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1 of Article II thereof, relating to voting requirements.

[Filed with Secretary of State August 9, 1969]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 1 of Article II thereof, to read:

SECTION 1. Every native citizen of the United States of America, every person who shall have acquired the rights of

citizenship under and by virtue of the Treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct fifty-four days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within fifty-four days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within ninety days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language or in the Spanish language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

RESOLUTION CHAPTER 309

Senate Concurrent Resolution No. 25—Relative to rules and regulations of conduct on campuses.

[Filed with Secretary of State August 13, 1969]

WHEREAS, Recent riots and disturbances on campuses throughout the state have caused harm to persons, damage to property, and disruption of the educational process; and

WHEREAS, This has imposed a heavy financial burden on the people of the state who support the educational process; and

WHEREAS, The education of the students, in these instances, has been disrupted to their detriment; and

WHEREAS, Testimony before the Select Committee on Campus Disturbances indicated that many school officials have not

been fully cognizant of the many statutory provisions available to them through the Penal Code and the Education Code to control acts of violence and campus disturbances; and

WHEREAS, The Regents of the University of California, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the governing boards of school districts should adopt rules and regulations governing the conduct of the students of, staff of, and visitors to the campuses and other properties owned or controlled by these bodies, and make it clear that these rules, regulations, and statutory provisions will be enforced; and

WHEREAS, Testimony before the Select Committee on Campus Disturbances indicated that judicious application of rules, regulations, and the law has succeeded in preventing disruptive activities on some campuses; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members respectfully urge the Regents of the University of California, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the governing boards of school districts to take immediate action to make all personnel concerned with campus control cognizant of the multitude of existing rules, regulations, and statutory provisions which are available to them to control disorders, and to file criminal charges and institute disciplinary proceedings, where appropriate, against those individuals who aid, abet, or participate in illegal disruptive activities; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the State Board of Education.

RESOLUTION CHAPTER 310

Senate Concurrent Resolution No. 124—Relative to preserving the town of Allensworth.

[Filed with Secretary of State August 13, 1969.]

WHEREAS, The town of Allensworth, located in the central portion of the San Joaquin Valley, in Tulare County, was founded by an ex-slave, Colonel Allen Allensworth; and

WHEREAS, Colonel Allensworth, born into slavery and sold twice on the open slave market, fled the institution of slavery and joined the Union forces during this country's bloodiest war; and

WHEREAS, He fought for his freeedom, and attained the highest commissioned rank held by a black military official during his time; and

WHEREAS, Colonel Allensworth's dream was to establish a black community somewhere in California—a place where his

people could live in peace and control and direct the course of their lives; and

WHEREAS, After his retirement from the military he formed a group called the California Home Improvement Association, which in 1908 founded the town of Allensworth, so named in honor of the colonel; and

WHEREAS, The original townsite, containing approximately 80 acres, grew within a few years, under the leadership of the colonel, to a few hundred families eking a bare subsistence out of the harsh alkaline ground while struggling to maintain and realize their dream; and

WHEREAS, For Colonel Allensworth, whose life was claimed in a tragic accident in mid-1914, the reality of his dream was short lived, but others in the settlement came forward to assume the roles of town leaders and the settlement continued to exist through World War I and the great depression, at which time it experienced its largest population; and

WHEREAS, World War II with its industrial manpower demand sounded the death knell for Allensworth, which experienced a rapid population decrease continuing until the town was virtually uninhabited and today only a few people occupy the site of this noble pioneering experiment; and

WHEREAS, Because land farming corporations are on the verge of purchasing the original townsite, in a few short years all traces of this historically significant contribution to the development of our great state will be lost forever; and

WHEREAS, The opportunity to preserve this history is confronting us now and in preserving it we will be saying that we see the futility that has borne the fruit of unrest in our time; and

WHEREAS, Recognizing those roots, we can now graft new growth onto them and begin to cultivate a more peaceful harvest—one of understanding and respect for the contribution that black pioneers have made to the development of California and the West; and

WHEREAS, Preliminary investigations throughout the Central Valley have shown an enthusiastic attitude and great concern over the preservation of Allensworth, and many federal, state and local political figures have been involved in this town's survival; and

WHEREAS, Recognition of Allensworth's historical significance can be a beginning step towards the creation of a much-needed bridge that someday may span the chasm of distrust and misunderstanding in our state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature expresses its support of the efforts of the State Department of Parks and Recreation to preserve the townsite of Allensworth, in Tulare County, California.

RESOLUTION CHAPTER 311

Assembly Joint Resolution No. 22—Relative to bilingual education programs.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, Congress adopted the Bilingual Education Act in 1967 to facilitate learning by students in their native tongue as well as in English and to preserve the national resource of bilingual speakers; and

WHEREAS, The funding of this act for the 1969–1970 fiscal year was $7,500,000 even though the act authorized an expenditure of $30,000,000; and

WHEREAS, For the 1969–1970 fiscal year 310 school systems have applied for $40,373,580, which will be apportioned from the $7,500,000 appropriation; and

WHEREAS, One hundred two California school systems have applied for $11,662,405 on behalf of 229,309 students in California for the 1969–1970 fiscal year; and

WHEREAS, Without adequate federal funds the school districts cannot provide adequate or successful education to their bilingual students; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the members urge the members of the United States Senate and House of Representatives to augment the appropriation made for bilingual education programs for the 1969–1970 fiscal year sufficiently to raise the appropriation to $30,000,000, the maximum amount authorized; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 312

Assembly Joint Resolution No. 64—Relative to licensing of nursing home administrators.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, Public Law 90-248 requires that as a condition of Title XIX reimbursement, there must be a state program for the licensing of nursing home administrators by July 1, 1970; and

WHEREAS, The Assembly Health and Welfare Committee has evaluated the need for such licensure and as a result of that evaluation has concluded that licensure of nursing home

administrators will not materially affect the standards or quality of care provided in nursing homes; and

WHEREAS, Public Law 90-248 has the effect of requiring the Legislature of the State of California to surrender its independent judgment in state matters to the federal government; and

WHEREAS, The alternative would be to pass a "paper" licensing act with few requirements so that all existing administrators could be licensed; and

WHEREAS, The Assembly does not consider such a subterfuge in the public interest, nor does the Assembly feel that licensure simply for the sake of licensure is a desirable public policy; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to repeal the nursing home administrator licensure requirement of Public Law 90-248 and to reevaluate the entire area of quality of care in nursing homes in order to develop realistic methods for insuring high quality based upon the actual level of care provided rather than mere licensure of the administrator; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, the Secretary of Health, Education, and Welfare, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 313

Assembly Concurrent Resolution No. 49—Relative to average daily attendance.

[Filed with Secretary of State August 14, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Education to study the procedures for the counting and computing of average daily attendance enacted by Chapter 1660 of the Statutes of 1967, which became operative on July 1, 1968, and to seek the assistance of the Department of Finance and the Legislative Analyst in making the study; and be it further

Resolved, That the Department of Education report the results of its findings and its recommendations to the Legislature not later than May 1, 1969; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Department of Education, the Department of Finance, and the Legislative Analyst.

RESOLUTION CHAPTER 314

Assembly Concurrent Resolution No. 97—Relative to the study of safety standards for campers designed to be mounted on motor vehicles.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, The operation of an increasing number of campers designed to be mounted on motor vehicles on California's highways may be creating a safety problem in this state; and

WHEREAS, There is a growing concern as to the safety standards applicable to such vehicles; and

WHEREAS, To enable the Legislature to enact whatever legislation may be necessary in order to cope with this problem. it is necessary that a thorough study be made of safety standards in the construction, equipment and operation of such vehicles; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Department of the California Highway Patrol is hereby requested to study the following with respect to safety standards for campers designed to be mounted on motor vehicles:

(1) Existing laws in various states relating to such standards, and in that connection give special attention to the research data developed by such states supporting the legislative or administrative control of vehicle safety standards for campers designed to be mounted on motor vehicles.

(2) Available statistics relating to accidents involving campers designed to be mounted on motor vehicles; and be it further

Resolved, That the Department of the California Highway Patrol is requested to conduct an in-depth study of accidents or incidents involving campers mounted on motor vehicles; and be it further

Resolved, That the Department of the California Highway Patrol shall make its report of its studies of the above matters no later than the fifth legislative day of the 1971 Regular Legislative Session, and therein make any suggestions it deems necessary and advisable with respect to safety standards for campers designed to be mounted on motor vehicles.

RESOLUTION CHAPTER 315

Assembly Concurrent Resolution No. 173—Relative to the study of the use of DDT.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, The dichlorodiphenyltrichloroethane chemical, commonly known as DDT, is used extensively in this state for crop control; and

WHEREAS, There is a question of its effect on human beings, animals, and plants if it is used continuously; and

WHEREAS, Recognizing the possible dangers of the use of DDT, Sweden has banned its use for two years, Michigan prohibits the sale of DDT, and Arizona has instituted a one-year ban on its use to allow for an intense study of its effects; and

WHEREAS, Since California is the leading agricultural state in the nation, it is imperative that an intense study be made in this state to determine if there are any dangerous effects from the use of DDT; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members recognize that a study is necessary in order to determine if it is dangerous to use DDT in this state and direct the State Department of Public Health, in cooperation with the University of California, to collect and collate all pertinent scientific data on the effects of the use of DDT and similar insecticides and pesticides and report findings and recommendations to the Legislature not later than January 1, 1970; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Health.

RESOLUTION CHAPTER 316

Assembly Concurrent Resolution No. 177—Relative to educational objectives and requirements.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, We are living in a changing world, characterized by rapid advances in technology, where the objectives of our educational system are inevitably intertwined with those of business, industry, and government and where the educational requirements of today may be obsolete tomorrow; and

WHEREAS, The success or failure of our educational system in training students to meet tomorrow's technological requirements depends on a high degree of cooperation and coordination between the public schools on one hand, and business, industry, and government on the other; and

WHEREAS, For many years education and the workaday world have frequently operated independently of each other, thus denying to large numbers of pupils in the public schools relevant educational programs which are consistent with the pupils' desires, abilities, and career objectives; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members encourage the public schools, business, industry, and government to develop formal and informal cooperative arrangements to coordinate their resources, to improve the quality and effectiveness of

education, and to meet the manpower needs of the work world; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Education and to the California State Chamber of Commerce.

RESOLUTION CHAPTER 317

Assembly Concurrent Resolution No. 194—Relating to landscaping state highways.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, The dignity and distinction of the City of Sacramento as the capital of the great State of California require that this city and the seat of state government be approached by way of appropriate thoroughfares; and

WHEREAS, The development of major freeways leading into and traversing the city as fully landscaped freeways will provide the distinction and beauty appropriate to our capital city; and

WHEREAS, The landscaping of these freeways will add immeasurably to the well-deserved distinction not only of Sacramento as the capital city but also of the State of California itself; and

WHEREAS, The Legislature desires that the major entrances to the Sacramento area be landscaped in order to preserve and enhance the scenic setting of the state capital; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the California Highway Commission and the Department of Public Works are hereby requested to give full consideration to the above desire of the Legislature and to take such action as is appropriate to ensure the preservation and enhancement of the scenic setting of the state capital, consistent with other highway needs; and be it further

Resolved, That the California Highway Commission and the Department of Public Works seek additional sources of funds for landscaping in general, and, in addition, give special attention to landscaping the main approaches to the state capital, both within the city limits of Sacramento and within an appropriate distance therefrom; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of the California Highway Commission and to the Director of Public Works.

RESOLUTION CHAPTER 318

Assembly Concurrent Resolution No. 238—Relative to public assistance.

[Filed with Secretary of State August 14, 1969.]

WHEREAS, The Legislature has consistently encouraged and supported the expansion of educational opportunities as a primary means of breaking the cycle of poverty; and

WHEREAS, For some years it has been possible for recipients of aid to families with dependent children (AFDC), under regulations of the State Department of Social Welfare, to establish educational trust funds for their children's current and future education out of outside income not required for meeting the family's immediate needs; and

WHEREAS, Recently, significant numbers of AFDC recipients have learned of the aforesaid regulation and are seeking to realize its benefits so that their children may be spared future dependency on welfare; and

WHEREAS, Concern has been expressed by many recipients that the State Department of Social Welfare is considering repeal of the educational trust fund regulation; and

WHEREAS, The Legislature finds and declares that the potential value of the regulation in question appears to be sufficiently great that its repeal should not be contemplated without a careful weighing of the benefits and the costs of said regulation in the perspective of the preventive and rehabilitative goals of the AFDC program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the State Department of Social Welfare not to repeal or otherwise substantially modify existing educational trust fund regulations pending a legislative study of benefits, costs and other significant effects of same; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Social Welfare.

RESOLUTION CHAPTER 319

Assembly Concurrent Resolution No. 241—Relative to "Keep California Green Month."

[Filed with Secretary of State August 14, 1969.]

WHEREAS, Millions of acres of forest and range lands and watersheds in California constitute resources that now provide and could provide many benefits in perpetuity; and

WHEREAS, All residents of our great state share in this wealth by virtue of many thousands of jobs which are created by production processes related to foodstuffs and fibers; and

WHEREAS, All residents and thousands of visitors share in the enjoyment of great variety of scenery and recreational facilities; and

WHEREAS, Each year our economy suffers losses amounting to many millions of dollars because of the needless and wasteful destruction of these resources by man-caused wildfires; and

WHEREAS, The support of established fire prevention programs and the practice of wildfire prevention methods, that are known to all persons, can materially reduce this needless waste; and

WHEREAS, Our residents and visitors know that these methods include the use of extreme caution with outdoor fires and incinerators and the use of ashtrays and approved spark arresters on power equipment that is used in the wild lands; and

WHEREAS, Late summer and the fall months have historically been the most hazardous periods for loss from man-caused wildfire in California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests the Governor to proclaim the month of September 1969 as "Keep California Green Month"; and be it further

Resolved, That the Governor in his proclamation urge the California residents and visitors to acknowledge their responsibility to protect wildlife by sharing in these fire prevention programs, not only during the hazardous months for wildfires, but on a sustained yearlong basis, in a common effort to keep California green and ever productive; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 320

Assembly Joint Resolution No. 41—Relative to cooperative federalism.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, Under existing federal law, tax incentives granted by a state to encourage businesses to participate in certain activities are diluted, if not made meaningless, by the fact that funds expended by such businesses for such activities result in higher federal taxes because of the lower state tax paid; and

WHEREAS, In the spirit of cooperative federalism, the federal government could permit deductions for business expenditures made to obtain state tax incentives of this nature, which would make state tax incentives meaningful and would benefit

both the state and the nation in long-term growth; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation permitting a business the same federal tax deductions it would have received for payment of state taxes had it not participated in a program of this nature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 321

Assembly Concurrent Resolution No. 130—Relative to a study of sabbatical leaves of absence for certificated employees.

[Filed with Secretary of State August 15, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislative Analyst, with the cooperation of the Department of Education, the State Board of Education, and the Department of Finance, is hereby requested to conduct a study of sabbatical leaves of absences granted to certificated employees in kindergarten and grades 1 to 12, inclusive; and be it further

Resolved, That the Legislative Analyst submit his findings and recommendations thereon to the Legislature not later than the fifth legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director of Education, the State Board of Education, the Director of Finance, and the Legislative Analyst.

RESOLUTION CHAPTER 322

Assembly Concurrent Resolution No. 190—Relative to Higher Education.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, The "Master Plan for Higher Education" recognizes the California Community Colleges as an important part of the total system of public higher education in California; and

WHEREAS, The basic quality of the instructional program of California Community Colleges is assured by the Commission

for Accrediting Junior Colleges, Western Association of Schools and Colleges; and

WHEREAS, Students transferring from any California community or junior college to the University of California or to a state college should be provided the same protection as students pursuing their entire collegiate careers in the University of California or in the state colleges in the matter of meeting academic requirements for graduation; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring. That the members request the Regents of the University of California and the Trustees of the California State Colleges to amend their rules and regulations to include the statement that a student transferring from a community or junior college to the University of California or to a state college in continuation of his regular attendance in the college and making normal academic progress toward a baccalaureate degree may elect, for purposes of meeting graduation requirements, to meet the graduation requirements in effect either at the time of his entering the community college curriculum or at the time of his graduation or transfer to the University of California or to the state college, except that substitutions for discontinued courses may be authorized or required by the proper authorities; and be it further

Resolved, That the regents and the trustees report on their action no later than December 1, 1969, to the Coordinating Council for Higher Education, or, in the event they have not taken such action, report by that date the reasons for their lack of action; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State Colleges, the Coordinating Council for Higher Education, and the Board of Governors of the California Community Colleges.

RESOLUTION CHAPTER 323

Assembly Concurrent Resolution No. 203—Relative to designating Blue Star Memorial Highways.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, The Blue Star Memorial Highway project was adopted in 1947 by the National Council of State Garden Clubs, Inc.; and

WHEREAS, The project is designed to erect highway markings at roadside rest areas on Blue Star Memorial Highways to pay tribute to all those who have served or will serve in the nation's armed forces; and

WHEREAS, The system includes four Blue Star Memorial Highways in California, U.S. Highways 97 and 99 and Interstate Routes 8 and 80; and

WHEREAS, The California garden clubs are desirous of designating State Highway Route 58, from Santa Margarita to Barstow, as a Blue Star Memorial Highway; now therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 58, from Santa Margarita to Barstow, is designated a Blue Star Memorial Highway; and be it further

Resolved, That the Division of Highways is authorized to cooperate with the California garden clubs in erecting and maintaining appropriate memorial markings in California on each of the Blue Star Memorial Highways; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the National Council of State Garden Clubs, Inc., and a copy to the Division of Highways.

RESOLUTION CHAPTER 324

Assembly Concurrent Resolution No. 239—Relative to commending the City of Lodi on its 100th anniversary.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, August 25, 1969, will mark the 100th anniversary of the founding of the City of Lodi, which was named as Mokelumne Station until 1874; and

WHEREAS, The early residents of the City of Lodi made a valuable contribution to the growth and prosperity of that city and the surrounding area, by inspiring the Central Pacific Railroad to lay its tracks through Lodi; and

WHEREAS, In its early years, the City of Lodi was the center of an important grain production area and the first industrial development of that community was a flour mill which was built in 1876 by the Lodi Mill and Warehouse Company, a forerunner of the flour industry which is still located in that city; and

WHEREAS, Subsequently, the Lodi area was renowned for its watermelon production, and in 1880 more watermelons were shipped from the City of Lodi than from the rest of California combined; and

WHEREAS, By 1907, the grape culture in that city had become so significant that the first grape festival was held there that year, and during this period the Lodi district had developed a virtual monopoly in the production of the famed Tokay table grapes; and

WHEREAS, Today, the Lodi district produces 98 percent of the world's total production of Tokay table grapes due to the unique combination of soil, temperature, and ocean breeze which favor that area; and

WHEREAS, The accomplishments of the City of Lodi are deserving of an official recognition on its 100th anniversary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the City of Lodi on the 100th anniversary of its founding, and wish the city, its officers, and its inhabitants success in the future; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably prepared copies of this resolution to the City of Lodi and its mayor.

RESOLUTION CHAPTER 325

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 12 of, and adding Section 12.1 to, Article IV thereof, relating to appropriations for the public schools.

[Filed with Secretary of State August 15, 1969]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended, as follows:

First—That Section 12 of Article IV be amended to read:

SEC. 12. (a) Within the first 30 days of each regular session, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements of recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, he shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish him whatever information he deems necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the chairmen of the committees that consider appropriations. Until the budget bill has been enacted, neither house may pass any other appropriation bill, except emergency bills recommended by the Governor, or appropriations for the salaries and expenses of the Legislature, or the appropriation bill provided for by Section 12.1 of this article.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the general fund of the State, except appropriations for the public schools, are void unless

passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring.

Second—That Section 12.1 be added to Article IV, to read:

SEC. 12.1. Within the first 30 calendar days of each regular session, the chairman of the committee of each house charged with the responsibility of considering the subject of education may introduce a bill, embodying the recommendations of the committee, making an appropriation to the State School Fund and providing for the disbursement of such appropriation. Neither of the bills may be passed by either house until the budget bill is enacted, or until 130 calendar days after the introduction of the budget bill. Where 130 days have elapsed after the introduction of the budget bill, and the budget bill has not been enacted, either or both of such bills may be passed by either or both houses prior to the enactment of the budget bill upon concurrence of two-thirds of the membership of each house. This section shall not affect the power of the Legislature to pass pursuant to the recommendations of the Governor any bill for the support of the public elementary and secondary schools of the State as an emergency bill in accordance with Section 12 of this article.

RESOLUTION CHAPTER 326

Assembly Constitutional Amendment No. 87—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1 of Article XVI thereof, relating to state indebtedness.

[Filed with Secretary of State August 15, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 1 of Article XVI thereof to read:

SECTION 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars ($300,000), except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and

shall be irrepealable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect unless it has been passed by a two-thirds vote of all the members elected to each house of the Legislature and until, at a general election or at a direct primary, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

Notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with the State Allocation Board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending or coming before such board for the allocation and apportionment of funds to school districts for school construction purposes or purposes related thereto.

Notwithstanding any other provision of this constitution, or of any bond act to the contrary, if any general obligation veterans' bonds of the state heretofore authorized by the approval of the Veterans Bond Act of 1968 by vote of the people have been offered for sale and not sold, the Legislature may raise the maximum rate of interest payable on all such general obligation veterans' bonds authorized but not sold, whether or not such bonds have been offered for sale, by a statute passed by a two-thirds vote of all members elected to each house thereof.

The provisions of Assembly Bill No. 886 of the 1969 Regular Session are hereby ratified.

And be it further resolved, That Assembly Constitutional Amendment No. 87 of the 1969 Regular Session shall not be submitted to the people if Senate Constitutional Amendment No. 26 of the 1969 Regular Session is passed by the two houses of the Legislature and approved by the people.

RESOLUTION CHAPTER 327

Assembly Joint Resolution No. 55—Relative to immigration.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, On July 1, 1968, the new United States Immigration and Nationality Act, enacted in 1965, went into effect, drastically cutting down on the number of Irish admitted to the United States; and

WHEREAS, From July 1, 1968, to December 31, 1968, only 72 preference and nonpreference visas were issued in Dublin to Irish nationals and for the first eight months of the fiscal year 1969 (beginning July 1, 1968) there was a total of 118 preference and nonpreference visas issued, and if the categories of "immediate relative" and "special immigrant" are added, only 303 total visas were issued from Dublin for the first eight months of the fiscal year 1969; and

WHEREAS, The commendable purpose of the new immigration law was to eliminate the discriminatory features of the old, unwieldy, outdated, unfair law, which had been established on the basis of a 40-year-old national origins quota system; and

WHEREAS, The new immigration policy justly erased many inequities and unfair treatment to certain countries under the old law; however, no one realized at the time the new law was being drafted that it would saddle other countries with serious immigration problems; and

WHEREAS, The new law, in attempting to cure the discrimination of the old law, has now set up impossible barriers to Ireland and other countries; now therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation which would provide a "floor" to be established for every nation, based on its average level of immigration to the United States during the decade prior to the enactment of the 1965 act; and which would provide a floor equivalent to 75 percent of the annual average level of immigration during the 1956–65 base period, or 10,000 individuals, whichever is less, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 328

Assembly Concurrent Resolution No. 150—Relative to a study of the California Marine and Inland Fishing Industries.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, the marine and inland fishing industries are known to be major components of the recreation industry in California, making important economic and sociological contributions to the welfare of the state, but the exact size of the industries and their socioeconomic effects on the economy of the state have not been determined in any precise way; and

WHEREAS, The increasing pressure and competition for marine resources makes it essential that a study of the marine and inland fishing industries in California be undertaken in order to provide the information necessary to determine the public interest in these industries and to insure the best possible utilization of our marine resources; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Secretary of the Resources Agency is to prepare a study design for an in-depth survey of the marine and inland fishing industries in California, which study design shall provide information to the Legislature relative to the total cost of such in-depth survey and which would recommend a source of funding for such in-depth survey; and be it further

Resolved, That it is the expectation of the Legislature that an in-depth survey of these industries would provide information on their economic and sociological effects on the state and on the nature and amount of the total investment involved in these industries both on a long-range and on an annual basis; and be it further

Resolved, That the study design be submitted to the Legislature no later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Secretary of the Resources Agency.

RESOLUTION CHAPTER 329

Assembly Concurrent Resolution No. 185—Relative to flood control projects.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, During the months of January and February, 1969, Fresno County experienced record rainfall which produced extremely severe foothill surface runoff into a number of streams which ultimately run through the Fresno-Clovis metropolitan area as well as other urban and farming areas of the County of Fresno and urban and agricultural areas in adjacent counties; and

WHEREAS, Such streams are largely uncontrolled and do not have the capacity to hold back the surface runoff generated from a heavy rainfall, as the past winter has demonstrated; and

WHEREAS, The January and February floods resulting from uncontrolled flow of floodwaters from the various foothill streams and tributaries into the Fresno metropolitan area, as well as many farming and urban communities of Fresno County and adjacent counties, have resulted in millions of dollars of damage to both public and private property; and

WHEREAS, The nature of this flooding from the foothill surface runoff cannot be handled by planned local drainage facilities of the Fresno Metropolitan Flood Control District encompassing the Fresno-Clovis metropolitan area for the reason that such facilities are designed strictly for local surface runoff generated solely by urban development; and

WHEREAS, The President of the United States has declared Fresno County a disaster area by reason of the severity of the flooding and the resulting damage; and

WHEREAS, It is necessary that dams and other facilities be constructed upon the various foothill streams and tributaries running into the San Joaquin Valley in order to control such floodwaters during periods of extreme rainfall and to prevent floodwaters from damaging the rural, urban and metropolitan areas through which these streams and tributaries run; and

WHEREAS, The construction of dams and other facilities upon streams and tributaries, particularly Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as San Joaquin-Kings River Interstream Group, will require coordination, administering and financing of studies and the design and construction of dams and facilities exceeding the financial and administrative capabilities of the many rural, urban and metropolitan areas involved; and

WHEREAS, It is necessary that an immediate study of this problem and of the facilities which will be required in order to prevent further disastrous floods in the future be undertaken; and

WHEREAS, It is desired that this study in particular be immediately made with reference to the foothill area between the San Joaquin River and the Kings River; now, therefore, be it

Resolved by the Assembly of the State of California the Senate thereof concurring, That the members request the Director of Water Resources, in coordination with the U.S. Army Corps of Engineers, to conduct a study on the need for flood control facilities on Mill Ditch, Fancher Creek, Dog Creek, Pup Creek, Dry Creek, Redbank Creek, Mud Creek, Holland Creek and others, more particularly known collectively as the San Joaquin-Kings River Interstream Group, the design criteria, and the cost of these facilities, and to make initial recommendations thereon to the Legislature by the fifth day of the 1970 session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, Director of Water Resources, and the Secretary of the Resources Agency.

RESOLUTION CHAPTER 330

Assembly Concurrent Resolution No. 233—Relative to intermediate care facilities.

[Filed with Secretary of State August 15, 1969.]

WHEREAS, Over one hundred ninety-five million dollars is estimated to be expended for nursing home care under the California Medical Assistance Program (Medi-Cal) in 1969–70; and

WHEREAS, Many of those people receiving nursing home care service could be provided needed services in facilities which are not as costly as nursing homes; and

WHEREAS, The 1967 Amendments to the Social Security Act have provided for federal participation in the cost of facilities that fall in a category between a boarding home and a nursing home, commonly called an intermediate care facility; and

WHEREAS, A thorough review and study of the cost and possible savings which would result from the implementation of an intermediate care facility program by California is necessary; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee and Legislative Analyst, acting jointly, are hereby requested to make a complete review and study of the potential cost and savings from implementing an intermediate care facility program and to report their findings and recommendations to the Legislature no later than the fifth legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Joint Legislative Budget Committee and Legislative Analyst.

RESOLUTION CHAPTER 331

Assembly Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Section 7 to Article II and by adding Article XI and by adding Sections 37, 37.5, 38, 39, 40, and 41 to Article XIII and by adding Section 8 to Article XXII and by repealing Article XI, relating to partial revision of the Constitution of the State of California.

[Filed with Secretary of State August 18, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds

of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be revised as follows:

First—That Section 7 is added to Article II to read:

SEC. 7. All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

Second—That Article XI is repealed.

Third—That Article XI is added to read:

XI. Local Government

SEC. 1. (a) The State is divided into counties which are legal subdivisions of the State. The Legislature shall prescribe uniform procedure for county formation, consolidation, and boundary change. Formation or consolidation requires approval by a majority of electors voting on the question in each affected county. A boundary change requires approval by the governing body of each affected county. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

(b) The Legislature shall provide for county powers and an elected governing body in each county and prescribe compensation of its members. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.

SEC. 2. (a) The Legislature shall prescribe uniform procedure for city formation and provide for city powers.

(b) Except with approval by a majority of its electors voting on the question, a city may not be annexed to or consolidated into another.

SEC. 3. (a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective if approved without change by resolution of the Legislature, by rollcall vote entered in the journal, a majority of the membership of each house concurring. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. A charter may be amended, revised, or repealed in the same manner.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

SEC. 4. County charters shall provide for:

(a) A governing body of 5 or more members, elected (1) by district or, (2) at large, or (3) at large, with a requirement that they reside in a district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.

(b) The compensation, terms, and removal of members of the governing body.

(c) Other officers, their election or appointment, compensation, terms and removal.

(d) The performance of functions required by statute.

(e) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

(f) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal.

(g) Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature as herein provided, the general laws adopted by the Legislature in pursuance of Section 1(b) of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided.

(h) Charter counties shall have all the powers that are provided by this Constitution or by statute for counties.

SEC. 5. (a) It shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith.

(b) It shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for: (1) the constitution, regulation, and government of the city police force (2) subgovernment in all or part of a city (3) conduct of city elections and (4) plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amend-

ment thereto, the manner in which, the method by which, the times at which, and the terms for which the several municipal officers and employees whose compensation is paid by the city shall be elected or appointed, and for their removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees.

SEC. 6. (a) A county and all cities within it may consolidate as a charter city and county as provided by statute.

(b) A charter city and county is a charter city and a charter county. Its charter city powers supersede conflicting charter county powers.

SEC. 7. A county or city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

SEC. 8. (a) The Legislature may provide that counties perform municipal functions at the request of cities within them.

(b) If provided by their respective charters, a county may agree with a city within it to assume and discharge specified municipal functions.

SEC. 9. (a) A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries, except within another municipal corporation which furnishes the same service and does not consent.

(b) Persons or corporations may establish and operate works for supplying those services upon conditions and under regulations that the city may prescribe under its organic law.

SEC. 10. A local government body may not grant extra compensation or extra allowance to a public officer, public employee, or contractor after service has been rendered or a contract has been entered into and performed in whole or in part, or pay a claim under an agreement made without authority of law.

SEC. 11. The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

SEC. 12. The Legislature may prescribe procedure for presentation, consideration, and enforcement of claims against counties, cities, their officers, agents, or employees.

SEC. 13. The provisions of Sections 1(b) (except for the second sentence), 3(a), 4, and 5 of this Article relating to matters affecting the distribution of powers between the Legislature and cities and counties, including matters affecting supersession, shall be construed as a restatement of all related provisions of the Constitution in effect immediately prior to the effective date of this amendment, and as making no substantive change.

The terms general law, general laws, and laws, as used in this Article, shall be construed as a continuation and restatement of those terms as used in the Constitution in effect immediately prior to the effective date of this amendment, and not as effecting a change in meaning.

Fourth—That former Section 12 of Article XI is added to Article XIII as Section 37 to read:

SEC. 37. Except as otherwise provided in this Constitution, the Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

All property subject to taxation shall be assessed for taxation at its full cash value.

Fifth—That former Section 13½ of Article XI is added to Article XIII as Section 37.5 to read:

SEC. 37.5. Any county, city and county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the State, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds.

Sixth—That former Section 16 of Article XI is added to Article XIII as Section 38 to read:

SEC. 38. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depositary, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

Seventh—That former Section 16½ of Article XI is added to Article XIII as Section 39 to read:

SEC. 39. All moneys belonging to, or in the custody of, the State, or any county, city and county, city, town, municipality or other public or municipal corporation, within this State may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each House of the Legislature and approved by the Governor and subject to the referendum; provided, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; and provided, further, that the State or any county, city and county, city, town, municipality or other public or municipal corporation, issuing bonds under the laws of this State, may deposit moneys in any bank or banks outside this State for the

payment of the principal or interest of such bonds at the place or places at which the same are payable.

Eighth—That former Section 18 of Article XI is added to Article XIII as Section 40 to read:

SEC. 40. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

Ninth—That Section 41 is added to Article XIII to read:

SEC. 41. Whenever under the laws of this State or under its charter any city, county, city and county, parking authority, district, or other public body is authorized to acquire or construct public parking lots, garages, or other automotive parking facilities, and for the payment of the cost of any thereof, to issue any bonds or other securities payable in whole or in part from revenues of any such parking facilities, such public body, and any other public body within the territorial area of which such public parking facilities are or will be situated, is also authorized to pledge, place a charge upon, or otherwise make available, as additional security for the payment of such securities, any or all revenues from any or all street parking meters then owned or controlled or to be acquired or controlled by it.

Tenth—That Section 8 is added to Article XXII to read:

SEC. 8. It shall be competent, in all charters framed under the authority given by Section 5 of Article XI, to provide, in addition to those provisions allowable by this Constitution, and by the laws of the state for the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

And be it further resolved, That Assembly Constitutional Amendment No. 29 of the 1969 Regular Session shall not be submitted to the people unless Assembly Bill No. 1094 of the 1969 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

RESOLUTION CHAPTER 332

Assembly Joint Resolution No. 24—Relative to vocational youth organizations.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, Historically the United States Office of Education has cooperated and assisted in the promotion of vocational youth organizations; and

WHEREAS, The Future Farmers of America, the Future Homemakers of America, the Distributive Education Clubs of America and the Vocational Industrial Clubs of America were organized with encouragement and assistance from the staff of the United States Office of Education; and

WHEREAS, These youth organizations have become an integral part of vocational education programs in secondary schools through the influence of the United States Office of Education staff members who serve as advisors; and

WHEREAS, Through these organizations youth in rural, suburban, and urban areas have had an opportunity to become members of constructive organized groups; and

WHEREAS, These organizations have helped youth to identify with the world of work and to develop as civic and community leaders; and

WHEREAS, Membership in these organizations is open to all students in vocational education regardless of race, creed or national origin; and

WHEREAS, A recent policy statement issued by the United States Office of Education concerning the relationship between the Office of Education and student organizations prohibits its staff from directing the activities of student organizations or participating in the administrative decisionmaking of student organizations as officers; and

WHEREAS, This policy will, in effect, greatly reduce assistance to vocational youth organizations; and

WHEREAS, In the case of one youth organization, the Future Farmers of America, this policy is in direct conflict with Public Law 740, Chapter 823, Section 18, which specifically authorizes the United States Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare to make available personnel, services and facilities of the Office of Education; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Congress of the United States, and the United States Department of Health, Education, and Welfare not to implement its policy until there has been sufficient time to permit full congressional review and hearings to determine whether or not this administrative order carries out the intent of the law; and be it further

Resolved, That the Legislature of the State of California encourages the United States Office of Education to take immediate action to strengthen these youth organizations that have become such an integral part of the vocational education program in the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Department of Health, Education, and Welfare.

RESOLUTION CHAPTER 333

Assembly Concurrent Resolution No. 180—Relative to the Joint Committee on Atomic Development and Space.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, The State of California remains number one in population and economic growth rate; and

WHEREAS, Its superior educational facilities continue to support an increasingly sophisticated industrial potential; and

WHEREAS, The Joint Committee on Atomic Development and Space was created by Assembly Concurrent Resolution No. 154 (Resolution Chapter 262) of the 1968 Regular Session on August 12, 1968, to study the subject of atomic energy and space and its beneficial applications to the economy and best interests of all the people of California, but the committee did not become operative until March 12, 1969, resulting in a seven-month loss of operation; and

WHEREAS, Both private industry and government officials have expressed intense interest in the activities of the committee; and

WHEREAS, Preliminary studies indicate that an additional 12 months is required to complete the comprehensive study and report to the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That notwithstanding the provisions of Assembly Concurrent Resolution No. 154 (Resolution Chapter 262) of the 1968 Regular Session, the Joint Committee on Atomic Development and Space created thereby shall not cease to exist on the commencement of the 1970 Regular Session, and is hereby authorized to act until June 30, 1970, and shall file its final report of its findings and recommendations during the 1970 Regular Session; and be it further

Resolved, That in addition to any money heretofore made available, the sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for

the expenses of the committee and its members and for any charges, expenses, or claims it may incur, to be paid from such fund after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 334

Assembly Concurrent Resolution No. 193—Relative to conservation education.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, The conservation of our basic natural resources and the protection of our natural environment are a critical issue in California as this state continues to grow at a remarkable rate; and

WHEREAS, Conservation means the wisest use and the most efficient management of all our resources and of our environment for the benefit of the most people for the longest possible time; and

WHEREAS, The initiation and continuation of programs of wise use and efficient management of natural resources and the protection of our environment must, in the long run, depend upon an informed and educated citizenry; and

WHEREAS, The term "conservation education" refers to those techniques which, if used correctly in the school program, develop in pupils the proper knowledge, skills and attitudes necessary to enable them to make wise decisions as citizens with regard to the management and protection of our resources and environment; and

WHEREAS, The Legislature and the Governor, through the passage of Senate Bill No. 1, 1968 session, has required that adopted courses of study shall provide for instruction in conservation and protection of resources and in man's relations to his human and natural environment; and

WHEREAS, Teachers and teacher trainees must be provided with the factual background and instructed in the techniques of conservation teaching if they are to meet these legal requirements; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their strong support for a program of conservation education in the schools of California, and urge all institutions of higher education certified for teacher training in California, junior colleges, state colleges, the University of California and all private colleges and universities, to provide prospective teachers with adequate instruction in factual knowledge and in the teaching techniques necessary to enable them to discharge this legal and moral obligation throughout their teaching careers; and be it further

Resolved, That these institutions of higher learning, certified for teacher training, are urged to provide assistance and leadership in the field of in-service training for teachers in the field of conservation education; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the State Board of Education, the Regents of the University of California, Trustees of the California State Colleges, the Association of Independent Colleges and Universities, the State Superintendent of Public Instruction, and the Secretary of the Resources Agency.

RESOLUTION CHAPTER 335

Assembly Concurrent Resolution No. 195—Relative to an educational evaluation study.

[Filed with Secretary of State August 18, 1969]

WHEREAS, Education of California youth is a most important responsibility of government in this state; and

WHEREAS, People of this state should be assured that their children are receiving quality education; and

WHEREAS, The goals and objectives of public education in California are at present inadequately defined; and

WHEREAS, Such goals and objectives of public education in California should be defined to the extent possible in evaluable terms; and

WHEREAS, The Legislature desires accountability in meeting such goals and objectives; and

WHEREAS, The Legislature wishes to identify and support successful educational programs in this state; and

WHEREAS, The Legislature intends to evaluate the problem of bilingual education in California's public schools; and

WHEREAS, The State Board of Education seeks the support and assistance of the Legislature in assessing the quality of schools of the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members authorize a study to determine and recommend an appropriate method to develop broad educational goals and specific behavioral objectives befitting the public schools; and be it further

Resolved, That the study determine the most appropriate means to develop a comprehensive statewide system of assessment and evaluation designed to measure the degree to which the public school system is achieving such goals and objectives; and be it further

Resolved, That the Assembly and Senate Education Committees, acting as and constituting a joint committee, and in cooperation with a three-member committee of the State Board of Education, shall undertake this study and submit a final

report to the Legislature during the 1970 Regular Session; and be it further

Resolved, That the sum of thirty thousand dollars ($30,000) is allocated from the Contingent Funds of the Senate and Assembly to said joint committee for such study, it being the intent of the Legislature that one-half of the costs of the study be assumed by the Legislature and that one-half of such costs shall come from funds allocated for such purposes under Title V of the Elementary and Secondary Education Act or any other source by the State Board of Education; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Assembly and Senate Education Committees, the State Board of Education, and the Assembly Office of Research.

RESOLUTION CHAPTER 336

Assembly Concurrent Resolution No. 221—Relative to San Dieguito River Basin.

[Filed with Secretary of State August 18, 1969]

WHEREAS, The Department of Water Resources is authorized by Water Code Section 12616 to conduct investigations of the water resources of the state, to formulate plans for the control, conservation, protection, and utilization of such water resources, and to render reports thereon; and

WHEREAS, With the growing population in San Diego County, it is imperative that local water resources be reevaluated to determine the feasibility and justification of their development to supplement existing and imported water supplies; and

WHEREAS, The San Dieguito River is one of the relatively undeveloped streams in San Diego County that has a potential for multipurpose development for water supply and other purposes; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Water Resources, in cooperation with the City of San Diego on a 50–50 matching basis, to formulate a basin-wide water resources development plan for San Dieguito River Basin, considering surface and subsurface waters for multipurpose use such as water supply, recreation, fish and wildlife enhancement, and water quality control; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Director, Department of Water Resources.

RESOLUTION CHAPTER 337

Assembly Concurrent Resolution No. 223—Relative to undergraduate instruction.

[Filed with Secretary of State August 18, 1969]

WHEREAS, Current events in higher education show the importance of a strong but responsive undergraduate curriculum; and

WHEREAS, It has been felt by some that graduate instruction, research, and outside activities by the staff of the University of California and the California State Colleges have supplanted to some degree the importance of undergraduate instruction; and

WHEREAS, There exists a diversity of opinion as to the propriety of many of the outside commitments of the staff of these institutions; and

WHEREAS, The Report of the Select Committee on Campus Disturbances has recognized this problem and recommended appropriate administrative action in this area; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Board of Regents of the University of California and the Trustees of the California State Colleges are hereby requested to make a concentrated effort to strengthen the importance and the quality of undergraduate instruction on each campus of the University of California and the California State Colleges; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Board of Regents of the University of California and to the Trustees of the California State Colleges.

RESOLUTION CHAPTER 338

Assembly Concurrent Resolution No. 246—Relative to homeowners' property tax exemption.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, The homeowners' property tax exemption, contained in Section 1d of Article XIII of the California Constitution and Section 218 of the Revenue and Taxation Code, was intended to give property tax relief to as many California homeowners as possible; and

WHEREAS, Homeowners were required for the first time in 1969 to file an application to receive the homeowners' property tax exemption; and

WHEREAS, Many persons who timely filed an application for the exemption have not received the exemption because the new procedures may have resulted in the application's being lost

or misplaced in the offices of county assessors; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature finds and declares its intent that Section 166 of the Revenue and Taxation Code be applied with respect to applications for the homeowners' property tax exemption and that satisfactory proof to an assessor that an application was mailed on a specified date, as provided for in Section 166, includes a notarized statement by an applicant for the exemption that his application was filed on such date; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the county assessor of each county in California.

RESOLUTION CHAPTER 339

Assembly Joint Resolution No. 56—
Relative to public assistance.

[Filed with Secretary of State August 18, 1969]

WHEREAS, The Legislature of the State of California approves in principle of the concept of administrative separation of the provision of social services from the provision of financial aid in public assistance programs; and

WHEREAS, This principle is presently being employed with relative success in the Old Age Security program in all California counties, and in all categorical aid programs in selected test counties; and

WHEREAS, The experience with said separation of services and financial aid functions has been related to the use of a simplified method of eligibility determination in the financial assistance programs; and

WHEREAS, Insufficient experience has been gained in the testing of simplified eligibility determination procedures with respect to the program of Aid to Families with Dependent Children, a program which includes more than three of every five welfare recipients in the State of California; and

WHEREAS, Present plans for separation include the use of eligibility technicians for the determination of eligibility for AFDC, but do not contemplate mandatory introduction of a simplified method of eligibility determination coincident with the initiation of separation; and

WHEREAS, The promulgation of regulations by the United States Department of Health, Education, and Welfare which fail to assure counties that financial disincentives will not be imposed on counties which do not separate service functions from financial aid functions immediately is inducing counties to plan the implementation of separation immediately although they are not fully staffed with eligibility technicians properly

trained to administer the complicated eligibility determination procedures now in effect, especially in AFDC; and

WHEREAS, Separation under such circumstances appears likely to result in an intolerably high rate of error, delay, and hardship, to recipients and welfare staff alike, and to create unnecessary expense to the county taxpayers because of administrative error and inefficiency; and

WHEREAS, Failure to assure that there will be no imposition of a fiscal disincentive to nonseparation pursuant to the aforesaid HEW regulation creates a dilemma for the county taxpayer whereby administrative costs will rise regardless of a county's decision to separate or not to separate immediately; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully urges the Secretary of the United States Department of Health, Education, and Welfare to provide assurances that no fiscal disincentives for nonseparation will be imposed pursuant to the regulation addressed in this resolution, so that separation can be initiated in each county after proper preparation has been made to insure maximum regard for efficient and effective administration in the best interests of recipients, taxpayers and county welfare staff alike, and can include, if feasible, a simplified method of eligibility determination in all categories; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Secretary of Health, Education, and Welfare; the Director, Bureau of the Budget; and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 340

Assembly Constitutional Amendment No. 28—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending subdivision (a) of Section 24 of Article IV, by adding an Article XVIII, by adding Article XXIV, by repealing Article XVIII, and by repealing Article XXIV thereof, relating to partial revision of the Constitution of the State of California.

[Filed with Secretary of State August 18, 1969]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be revised as follows:

First—That subdivision (a) of Section 24 of Article IV is amended to read:

SEC. 24. (a) An initiative statute or referendum approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If a referendum petition is filed against part of a statute the remainder shall not be delayed from going into effect.

Second—That Article XVIII is repealed.

Third—That Article XVIII is added, to read:

ARTICLE XVIII

AMENDING AND REVISING THE CONSTITUTION

SEC. 1. The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may propose an amendment or revision of the Constitution and in the same manner may amend or withdraw its proposal. Each amendment shall be so prepared and submitted that it can be voted on separately.

SEC. 2. The Legislature by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, may submit at a general election the question whether to call a convention to revise the Constitution. If the majority vote yes on that question, within 6 months the Legislature shall provide for the convention. Delegates to a constitutional convention shall be voters elected from districts as nearly equal in population as may be practicable.

SEC. 3. The electors may amend the Constitution by initiative.

SEC. 4. A proposed amendment or revision shall be submitted to the electors and if approved by a majority of votes thereon takes effect the day after the election unless the measure provides otherwise. If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

Fourth—That Article XXIV is repealed.

Fifth—That Article XXIV is added, to read:

ARTICLE XXIV

STATE CIVIL SERVICE

SEC. 1. (a) The civil service includes every officer and employee of the state except as otherwise provided in this Constitution.

(b) In the civil service permanent appointment and promotion shall be made under a general system based on merit ascertained by competitive examination.

SEC. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until

their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members chairman.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board.

SEC. 3. (a) The board shall enforce the civil service statutes and, by majority vote of all its members, shall prescribe probationary periods and classifications, adopt other rules authorized by statute, and review disciplinary actions.

(b) The executive officer shall administer the civil service statutes under rules of the board.

SEC. 4. The following are exempt from civil service:

(a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.

(b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.

(c) Officers elected by the people and a deputy and an employee selected by each elected officer.

(d) Members of boards and commissions.

(e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.

(f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(*l*) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may

appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

SEC. 5. A temporary appointment may be made to a position for which there is no employment list. No person may serve in one or more positions under temporary appointment longer than 9 months in 12 consecutive months.

SEC. 6. (a) The Legislature may provide preferences for veterans and their widows.

(b) The board by special rule may permit persons in exempt positions, brought under civil service by constitutional provision, to qualify to continue in their positions.

(c) When the state undertakes work previously performed by a county, city, public district of this state or by a federal department or agency, the board by special rule shall provide for persons who previously performed this work to qualify to continue in their positions in the state civil service subject to such minimum standards as may be established by statute.

And be it further resolved, That Assembly Constitutional Amendment No. 28 of the 1969 Regular Session shall not be submitted to the people unless Assembly Bill 1092 of the 1969 Regular Session is enacted by the Legislature and deposited in the office of the Secretary of State.

RESOLUTION CHAPTER 341

Assembly Concurrent Resolution No. 75—
Relative to higher education.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, There is a growing dissatisfaction with the impersonal nature of education in many of our colleges and universities and with the deterioration of teaching, which may be caused, in part, by the extremely large size of these institutions; and

WHEREAS, There is currently a strong need to study the effect of size of educational institution on the quality of education; and

WHEREAS, If California hopes to develop a better and more individualized approach to higher education, it must begin by initiating studies and considering proposals to bring about these results; and

WHEREAS, California cannot know the real advantages which would be available through small or decentralized campuses or through such facilities as "cluster colleges" on larger campuses, satellite campuses, or off-campus centers which may be located either in isolated rural areas or in urban areas throughout the state unless such a study is undertaken; and

WHEREAS, The costs of developing and maintaining such facilities and programs, and the quality of instruction and other higher educational services available to students are of

substantial concern to the taxpayers of the state; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members express their support for a study to determine the feasibility and desirability of developing a number of smaller centers for higher education in connection either with existing and planned college and university campuses or as independent centers; and be it further

Resolved, That the Joint Committee on Higher Education, in cooperation with the Legislative Analyst, undertake a study of the subject and to submit its report to the Legislature not later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Regents of the University of California, the Trustees of the California State Colleges and the Board of Governors of the Community Colleges cooperate in furnishing information for the study; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Joint Committee on Higher Education, the Regents of the University of California, the Trustees of the California State Colleges, and the Board of Governors of the California Community Colleges.

RESOLUTION CHAPTER 342

Assembly Concurrent Resolution No. 86—Relative to investigating telephone campaigns urging genocide.

[Filed with Secretary of State August 18, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby requests that the Attorney General of the State of California and the Public Utilities Commission of the State of California, separately, conduct investigations of telephone campaigns urging and advocating genocide and to report, separately, their findings and recommendations to the Legislature within 15 days of the conclusion of their respective investigations, but not later than the fifth legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Attorney General of the State of California and to the Public Utilities Commission of the State of California.

RESOLUTION CHAPTER 343

Assembly Concurrent Resolution No. 168—Relative to legislative proceedings.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, The Constitution of the State of California requires that the proceedings of the Assembly and Senate be public, except on occasions that in the opinion of the house require secrecy; and

WHEREAS, The open conduct of legislative proceedings serves to insure full and candid discussion of every measure on its merits; and

WHEREAS, Such open meetings serve to assure an informed and educated citizenry upon which the functioning of a viable democracy is dependent; and

WHEREAS, The Legislature in its committees and in each house has long observed such an open meeting policy in both spirit and deed, reaching decisions in full public view except where a higher responsibility to the people dictates private discussion; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Members of the Legislature—believing that such a policy best serves the interests of the people, their representatives, and democracy itself—do hereby recommit themselves to a policy of open and public conduct of legislative proceedings.

RESOLUTION CHAPTER 344

Assembly Concurrent Resolution No. 227—Relative to the Prado Dam and Reservoir.

[Filed with Secretary of State August 18, 1969.]

WHEREAS, The Prado Dam and Reservoir is a flood control feature constructed by the U.S. Army Corps of Engineers in 1941 on the Santa Ana River in the Santa Ana River Basin, which includes the metropolitan areas of Orange, San Bernardino and Riverside Counties; and

WHEREAS, The U.S. Army Corps of Engineers is currently undertaking a comprehensive review investigation of the Santa Ana River Basin for flood control and allied purposes and has scheduled an interim report on Prado Dam and Reservoir for completion in July 1971 as part of its comprehensive investigation; and

WHEREAS, There is a need for optimum development of the water resources of the Santa Ana River Basin, and the development of Prado Dam and Reservoir as a multiple-purpose project would help fulfill this need; and

WHEREAS, To provide interim input into the Corps of Engineers' investigation of the Santa Ana River Basin, particularly its interim report on Prado Dam and Reservoir, result of studies of the potential multiple uses of Prado Dam and Reservoir must be provided through the Corps of Engineers within the first six months of fiscal year 1970–71; and

WHEREAS, The Orange County Water District recognizes the need for the development of Prado Dam and Reservoir as a multiple-purpose project and is willing to participate in studies of the multiple-purpose aspects of Prado Dam and Reservoir, and is willing to contribute on a matching basis with the Department of Water Resources in such a study program in fiscal year 1969–70; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Water Resources, in cooperation with all appropriate agencies, to assist the Corps of Engineers by coordinating the efforts of state and local interests in the study of a multiple-purpose development of Prado Dam and Reservoir with consideration of flood control, water storage, water conservation, water quality, recreation, fish and wildlife enhancement, and other related purposes; and be it further

Resolved, That the Department of Water Resources initiate such cooperation and study in fiscal year 1969–1970 with funds contributed by the Orange County Water District and other agencies and continue such efforts in fiscal year 1970–1971 with matching state funds in order to provide a timely contribution to the Corps of Engineers' study; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 345

Assembly Concurrent Resolution No. 186—Relative to flood control on the Eel River.

[Filed with Secretary of State August 19, 1969.]

WHEREAS, The Governor has directed the Department of Water Resources, in cooperation with the U.S. Corps of Engineers, to make further analyses of possible water development plans in the Eel River watershed alternative to the current proposal of the U.S. Corps of Engineers to construct a 730-foot-high dam on the Middle Fork Eel River near Dos Rios which would result in the flooding of Round Valley; and

WHEREAS, It has been questioned that the proposed Dos Rios Project would provide the needed flood control benefits for the Eel River Basin, which all too often is subject to devastating floods causing millions of dollars in property damage and the tragic and needless loss of life; and

WHEREAS, The Eel River Delta Levee Project has been authorized by Congress for construction by the U.S. Corps of Engineers, but the construction of such levees in the Eel River Delta will not alone be sufficient to provide effective flood control for the basin; and

WHEREAS, The proposed Dos Rios Dam and Reservoir Project, in conjunction with the Eel River Delta Levee Project and the proposed English Ridge Dam and Reservoir Project of the U.S. Bureau of Reclamation, could have resulted in an effective flood control system for the Eel River; and

WHEREAS, A reevaluation of all possible means of providing necessary flood control benefits, as part of the Department of Water Resources' further studies of alternatives to the Dos Rios Project, is urgently needed to insure that the presently authorized Eel River Delta Levee Project will provide an effective flood control system for the Eel River; and

WHEREAS, The United States Bureau of Reclamation and the Kaiser Engineers of Oakland have submitted proposals which may provide flood control benefits by means other than the construction of a dam at Dos Rios; and

WHEREAS, Proposals which may provide additional flood control benefits for the Eel River Basin include the construction of a low dam at Dos Rios and the diversion of water to Clear Lake which would not result in the flooding of Round Valley, or the possibility of constructing an enlarged English Ridge Dam and Reservoir, or the construction of a series of smaller dams at various locations within the Eel River Basin to provide the flood control that the dam at Dos Rios would have; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Department of Water Resources to immediately reevaluate all alternative proposals for providing sufficient flood control benefits for the Eel River Basin to insure that the presently authorized Eel River Delta Levee Project will result in an effective flood control system, including a reevaluation of the proposals submitted by the Kaiser Engineers, the proposals of the United States Bureau of Reclamation, proposals for the construction of a low dam at Dos Rios. proposals for the construction of any other dam on the Eel River or any tributary thereof which would provide the necessary flood control benefits, and to report thereon to the Legislature not later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Water Resources.

RESOLUTION CHAPTER 346

Assembly Concurrent Resolution No. 209—Relative to continuance of the Joint Committee on Bay Area Regional Organization.

[Filed with Secretary of State August 19, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Bay Area Regional Organization created by Resolution Chapter 144 (S.C.R. 41) of the Statutes of 1967 is continued in existence, with authority to act, including any recess, until the final adjournment of the 1970 Regular Session of the Legislature.

RESOLUTION CHAPTER 347

Assembly Concurrent Resolution No. 228—Relative to child care services.

[Filed with Secretary of State August 19, 1969.]

WHEREAS, The California Legislature has recognized the need for child care services for children of mothers who must of necessity work out of their homes; and

WHEREAS, These services assist low-income families and families receiving Aid to Families with Dependent Children; and

WHEREAS, The financing of these services is borne by the state, parents' fees, district taxes, and the federal government; and

WHEREAS, The support for this program is maintained by the Children Centers Fund in the county treasuries for school districts that administer child care centers; and

WHEREAS, The Department of Social Welfare is responsible for initiating a program to obtain federal matching dollars for those families in the AFDC program; and

WHEREAS, It is possible that federal dollars may be lost because of the lack of a coordinated program; and

WHEREAS, There is question of the procedures of establishing eligibility requirements by a "means test"; and

WHEREAS, There has been no statewide study to determine the cost benefit of the children centers program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature requests that an objective analysis of financing and costs of children centers programs in school districts be conducted by the Office of the Auditor General, Joint Legislative Audit Committee, Legislative Analyst, Joint Legislative Budget Committee, the Department of Education, the Department of Social Welfare, and

other departments or agencies deemed advisable by the Auditor General, to develop an accurate and uniform cost reporting system by all school districts; and be it further

Resolved, That such study shall include, but not be limited to, a determination if moneys are recoverable by the General Fund; an analysis of the identity of all fund balances; information on the administration of child care centers; comparable program cost data of other representative states in the United States; an analysis of the elements of the state-supported rates; and other pertinent information the Auditor General uncovers in his study; and be it further

Resolved, That a report of the study findings be transmitted by the Auditor General, Joint Legislative Audit Committee, and Joint Legislative Budget Committee to the Legislature on or before the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Auditor General, Legislative Analyst, Joint Legislative Audit Committee, Joint Legislative Budget Committee, Superintendent of Public Instruction, and Director of Social Welfare.

RESOLUTION CHAPTER 348

Assembly Concurrent Resolution No. 245—Relative to the Joint Legislative Committee on Higher Education.

[Filed with Secretary of State August 19, 1969.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Committee on Higher Education, created by Resolution Chapter 56, Statutes of 1969, is authorized to act during this session of the Legislature, including any recess, and after final adjournment until June 30, 1970.

RESOLUTION CHAPTER 349

Senate Concurrent Resolution No. 64—Relative to directing the Department of Rehabilitation to study rehabilitative services for the disabled.

[Filed with Secretary of State August 19, 1969.]

WHEREAS, The Legislature is interested in rehabilitative services for disabled persons; and

WHEREAS, The Legislature is interested in facilitating the use of these services by disabled persons; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members direct the Department of Rehabilitation to study the feasibility of issuing

an identification card authorizing rehabilitative services anywhere in the state to each eligible disabled person registered with the department, and to submit a comprehensive report on all its findings and recommendations to the Legislature not later than the fifth legislative day of the 1970 Regular Session of the Legislature; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Department of Rehabilitation.

RESOLUTION CHAPTER 350

Senate Concurrent Resolution No. 82—Relative to the establishment of a plan to provide a general mental retardation facility at Agnews State Hospital.

[Filed with Secretary of State August 19, 1969]

WHEREAS, The Legislature is cognizant of the problems of the mentally retarded in the State of California, and particularly in Santa Clara County; and

WHEREAS, There are currently 698 mentally retarded persons from Santa Clara County in state hospitals for the mentally retarded, but only 62 persons are now cared for at Agnews State Hospital which is near their families, while 463 are cared for at Porterville State Hospital located a great distance from their homes; and

WHEREAS, The members are concerned regarding the further transfer of any mentally retarded persons from Santa Clara County from existing facilities to Agnews State Hospital, in that the present facilities and programs are inadequate to provide proper care and training for those 62 residents of Santa Clara County presently assigned at Agnews State Hospital; and

WHEREAS, Since some 250 additional persons from Santa Clara County are waiting for admission to state hospitals for the mentally retarded, there exists in the Santa Clara County region a service population of sufficient size to operate a mental retardation facility; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of Mental Hygiene is hereby requested to submit a plan to the Senate Finance Committee and the Assembly Committee on Ways and Means to provide a general facility at Agnews State Hospital to serve mentally retarded persons, which services will be available for families residing in the local service area; and be it further

Resolved, That until a plan has been submitted and approved, the Department of Mental Hygiene should not establish any new program at Agnews State Hospital designed for the care of a specific category of mentally retarded persons,

or transfer to Agnews State Hospital a specific category of mentally retarded persons, or remodel existing buildings at Agnews State Hospital for use of additional mentally retarded persons; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Mental Hygiene.

RESOLUTION CHAPTER 351

Senate Concurrent Resolution No. 86—Relative to commercial vehicles.

[Filed with Secretary of State August 19, 1969.]

WHEREAS, The United States Congress has established a Department of Transportation that has as one of its assignments the development of highway safety program standards; and

WHEREAS, One of the standards being developed relates to motor vehicle registration and includes the provision that the declared gross laden weight of commercial vehicles be in the records of the state agency; and

WHEREAS, The State of California uses the unladen vehicle weight method for its motor vehicle records and method of assessment of fees, and it is probable that this state, in order to comply with the federal standards, may be required to include in its vehicle records the vehicle gross weight, and information is needed to determine the implications of such a proposal; and

WHEREAS, Up-to-date information on the use of the California highways by commercial vehicles and the extent of the problems and challenges occasioned by commercial vehicles on the economy of California is needed; and

WHEREAS, Such information is important for determining the validity of current vehicle registration, licensing, identification, and fee payment requirements in relation to current industry practices, operations, and compliance; and

WHEREAS, Problems arising from the uses of and proper licensing of the pickup truck type vehicles occasion confusion and require study and clarification; and

WHEREAS, Information and specific current data are needed of the movement of intrastate and interstate commercial vehicles on the highways and streets of California; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Department of Motor Vehicles to make a study of the commercial vehicle population registered and operating in California, including, but not limited to, determining registration status of commercial vehicles, types of commodities carried, laden and unladen weights of vehicles, and origin and destination of commercial vehicles on highways; and be it further

Resolved, That all state agencies related to the transportation field are requested to assist the department in accomplishing this study; and be it further

Resolved, That the department is requested to arrange with any governmental research or study agency to assist in preparing all or such portion of this study as desired; and be it further

Resolved, That the department is authorized, subject to approval of the Department of Finance, to use funds from current appropriations supplemental to any federal research funds that may be available; and be it further

Resolved, That the department report its findings to the Legislature not later than June 30, 1970; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Motor Vehicles.

RESOLUTION CHAPTER 352

Senate Concurrent Resolution No. 136—Relative to adoption of the Joint Rules of the Senate and Assembly.

[Filed with Secretary of State August 19, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the following rules be adopted as the Joint Rules of the Senate and Assembly for the 1969 Regular Session:

Standing Committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the rules of each house.

Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

Effect of Adoption of Joint Rules

3.5. The adoption of the Joint Rules for any extraordinary session shall not be construed as modifying or rescinding the Joint Rules of the Senate and Assembly for any previous session, nor as affecting in any way the status or powers of the interim committees created by those rules.

BILLS AND RESOLUTIONS

Definition of Word Bill

4. Whenever the word "bill" is used in these rules, it shall include constitutional amendments, concurrent and joint resolutions.

Concurrent and Joint Resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint resolutions are those which relate to matters connected with the federal government.

Resolutions Treated as Bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of subdivision (a) of Section 8 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

PREPARATION AND INTRODUCTION OF BILLS

Title of Bill

7. The title of every bill introduced shall convey an accurate idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

Division of Bill Into Sections

8. A bill amending more than one section of an existing law shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

Introduction of Bills

8.3. No bill shall be introduced after the 90th calendar day of a regular session except as follows:

(a) A written notice of intention to introduce a bill, a copy of the bill and a digest prepared pursuant to Rule 8.5 shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, and shall be transmitted to

the Rules Committee of the appropriate house. The notice and digest shall be printed in the Journal of that house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for the introduction of the proposed bill.

(c) If the Rules Committee recommends that introduction of the proposed bill be permitted, the member may offer a resolution, without further reference thereof to committee, granting permission to introduce the bill. The adoption of the resolution granting such permission shall require an affirmative recorded vote of two-thirds of the elected members of the house in which the request is made.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Digest of Bills Introduced

8.5. No bill shall be introduced unless it is contained in a cover attached by the Legislative Counsel and unless it is accompanied by a digest, prepared and attached to the bill by the Legislative Counsel, showing the changes in the existing law which are proposed by the bill. If any bill is presented to the Secretary of the Senate or Chief Clerk of the Assembly for introduction which does not comply with the foregoing requirements of this rule the Secretary or Chief Clerk shall return it to the member who presented it. The digest shall be printed on the bill as introduced upon the lower part of the first page thereof.

Digest of Bills Amended

8.6. Whenever a bill is amended in either house, the Secretary of the Senate or the Chief Clerk of the Assembly, as the case may be, shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill as amended with any material changes in the digest indicated by the use of appropriate type.

Errors in Digest

8.7. If a material error in a printed digest referred to in Joint Rule 8.5 or 8.6 is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided in Joint Rule 10 for amendments to bills. He shall deliver the corrected digest to the Secretary or the Chief Clerk, as the case may be. If the correction warrants it in the opinion of the President pro Tempore of the Senate or the Speaker of the Assembly, a corrected print of the bill as introduced shall be ordered with the corrected digest printed thereon.

Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject as the original bill, constitutional amendment or resolution under consideration.

Changes in Existing Law to Be Marked by Author

10. In a bill amending or repealing a code section or a general law, any new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill and was being printed for the first time.

When an entire code is repealed as part of a codification or recodification or when an entire title, part, division, chapter or article of a code is repealed, the sections comprising such code, title, part, division, chapter, or article shall not be set forth in the bill or amendment in strikeout type.

Heading of Bills

10.7. No bill shall indicate in its heading or elsewhere that it was introduced at the request of a state agency or officer or any other person. No bill shall contain the words "By request" or words of similar import.

Consideration of Bills

10.8. At a regular session, no bill shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced except this provision and the limitation contained in subdivision (a) of Section 8 of Article IV of the Constitution may be dispensed with as follows:

(a) A written request for such dispensation entitled "Request to Consider and Act on Bill Within 30 Calendar Days" shall be filed with the Chief Clerk of the Assembly or the Secretary of the Senate, as the case may be, printed in the Journal and transmitted to the Rules Committee of the appropriate house.

(b) The Rules Committee of the Assembly or Senate, as the case may be, shall determine whether there exists an urgent need for dispensing with the 30-calendar-day waiting period following the bill's introduction.

(c) If the Rules Committee recommends that said waiting period be dispensed with, the member may offer a resolution,

without further reference thereof to committee, authorizing hearing and action upon the bill before the 30 calendar days have elapsed. The adoption of the resolution shall require an affirmative recorded vote of three-fourths of the elected members of the house in which the resolution is presented.

As used in this rule "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

Hearing of Bills

10.9. Each bill shall be set for hearing and heard by the committee to which it has been first assigned in the house of origin within 60 calendar days after introduction. If a bill is not so heard by such committee, the committee shall return the bill to the house and the bill shall not be acted upon by either house. If an author so requests in writing, a bill shall not be set for hearing and shall be returned to the house and not acted upon by either house.

As used in this rule, "bill" includes constitutional amendments but does not include joint or concurrent resolutions.

This rule does not apply to bills first assigned to the Committee on Finance or the Committee on Ways and Means.

Printing of Amendments

11. All bills amended by either house shall be immediately reprinted; in case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

Printing and Distribution of Bills—Manner of Printing Bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

Distribution of Legislative Publications

13. All requests by members for mailing or distribution of copies of the Weekly Histories and the Legislative Index shall

be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Except as otherwise provided by either the Assembly or Senate, each Member of the Senate and Assembly shall be permitted to submit a list of 10 organizations or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of copies of the Weekly Histories and the Legislative Index to supply this list together with such number of bills and legislative publications as may be necessary for legislative requirements.

No complete list of bills shall be delivered except upon payment therefor of the sum of two hundred twenty-five dollars ($225) at a regular session or such sum as may be fixed by the Joint Committee on Legislative Organization at an extraordinary session. No more than two copies of any bill or other legislative publication, nor more than a total of 100 bills or other legislative publications during a session, shall be distributed free to any person, office, or organization. The limitations imposed by this paragraph do not apply to Members of the Legislature, the President of the Senate, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's office; Secretary of State's office; Controller's office, Governor's office; the Clerk of the Supreme Court; the clerk of the court of appeal for each district; the Judicial Council; the California Law Revision Commission; the State Library; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

Summary Digest and Legislative Index

13.1. The Legislative Counsel shall provide for the periodic publication of a cumulative Legislative Index which shall include tables of sections affected by pending legislation. The State Printer shall print the Legislative Index in such quantities, and at such times, as are determined by the Secretary of the Senate and the Chief Clerk of the Assembly. The costs of such printing shall be paid from the legislative printing appropriation.

13.3. The Legislative Counsel shall compile and prepare for publication a summary digest of legislation passed at each

regular and extraordinary session, which digest shall be prepared in a form suitable for inclusion in the publication of statutes. The digest shall be printed as a separate legislative publication on the order of the Joint Committee on Legislative Organization and may be made available to the public in such quantities and at such prices as the Joint Committee on Legislative Organization may determine.

13.5. The Legislative Counsel shall prepare for publication from time to time a cumulative statutory record. The statutory record shall be printed as a legislative publication on the order of the Secretary of the Senate or the Chief Clerk of the Assembly.

OTHER LEGISLATIVE PRINTING

Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the journal of the respective houses of the Legislature.

What Shall Be Printed in the Journal

15. The following shall always be printed in the journal of each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

Printing of the Daily File

16. A daily file of bills ready for consideration shall be printed each legislative day for each house.

The material to be printed in the file and the form and arrangement shall be determined by the respective houses.

Printing of History

17. Each house shall cause to be printed, once each week, during the session, a complete history of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regu-

lar form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such history shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a supplementary history showing the action taken upon any measure since the issuance of the complete history.

Authority for Printing Orders

18. The State Printer shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the rules, except upon a written order signed by the Secretary of the Senate, on behalf of the Senate, or the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly. Persons authorized to order printing under this rule may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly, on behalf of the Assembly, are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

Record of Bills

Secretary and Chief Clerk to Keep Records

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

Secretary and Chief Clerk Shall Endorse Bills

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall endorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

Action in One House on Bill Transmitted From the Other

After a Bill Has Been Passed by the Senate or Assembly

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

Messages to Be in Writing Under Proper Signatures

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

Uncontested Bills

22.1. Each standing committee may report an uncontested bill out of committee with the recommendation that it be placed on the consent calendar. The Secretary of the Senate and the Chief Clerk of the Assembly shall provide to each committee chairman appropriate forms for such report. As used in this rule, "uncontested bill" means a bill, except a revenue measure or a measure as to which the 30-day limitation prescribed by subdivision (a) of Section 8 of Article IV of the Constitution has been dispensed, which: (a) receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present provided a quorum is present; and (b) has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill as approved by the committee; and (c) prior to final action by the committee has been requested, by the author, to be placed on the consent calendar.

Consent Calendar

22.2. Following their second reading and the adoption of any committee amendments thereto, if any, all bills certified by the committee chairman as uncontested bills shall be placed by the Secretary of the Senate or the Chief Clerk of the Assembly on the consent calendar, and shall be known as "consent calendar bills." Any consent calendar bill which is amended from the floor shall cease to be a consent calendar bill and shall be replaced on the second reading file. Upon objection of any member to the placement or retention of any bill on the consent calendar, such bill shall cease to be a consent calendar bill and shall be replaced on the second reading file. No consent calendar bill shall be considered for adoption until the second legislative day following the day of its placement on the consent calendar.

Consideration of Bills on Consent Calendar

22.3. Bills on the consent calendar are not debatable, except that the President of the Senate or the Speaker of the Assembly shall allow a reasonable time for questions from the floor and shall permit the proponents of such bills to answer such questions. Immediately prior to voting on the first bill on the consent calendar, the President of the Senate or the

Speaker of the Assembly shall call to the attention of the members the fact that the next rollcall will be the rollcall on the first bill on the consent calendar.

The consent calendar shall be considered as the last order of business on the daily file.

Passage and Enrolling of Bills

Passage of Bills Preceding the Recess

23. No Senate bill shall be passed by the Senate within 15 days, and no Assembly bill shall be passed by the Assembly within 10 days, prior to the commencement of the 30-day recess of the two houses of the Legislature at a regular session required by Section 3 of Article IV of the Constitution, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill). As used in this rule, "bill" does not include concurrent resolutions.

Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the journal.

Amendments and Conferences

Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Two copies of such amendment or amendments shall be attached to the bill or resolution so amended, and endorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be endorsed "concurred in," and such endorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or As-

sistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated.

To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

Concurring in Amendments Adding Urgency Section

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency statute and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

When Senate or Assembly Refuse to Concur

28. If the Senate (if it be a Senate bill) or the Assembly (if it be an Assembly bill) refuse to concur in amendments to the bill made by the other house, and when the other house has been notified of such refusal to concur, a conference committee shall be appointed for each house in the manner prescribed by these rules. The Committee on Rules in the case of the Senate and the Speaker in the case of the Assembly shall each appoint a committee of three (3) on conference, and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken.

Committee on Conference

28.1. The Committee on Rules and the Speaker, in appointing a committee on conference, shall each select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

Whether a member has voted with the majority or minority on the point about which the difference has arisen is determined by his vote on the appropriate rollcall, as follows:

(1) In the Assembly—

(a) The rollcall on the question of final passage of a Senate bill amended in the Assembly when the Senate has refused to concur with the Assembly amendments;

(b) The rollcall on the question of concurrence with Senate amendments to an Assembly bill.

(2) In the Senate—

(a) The rollcall on the question of final passage of an Assembly bill amended in the Senate when the Assembly has refused to concur with the Senate amendments.

(b) The rollcall on the question of concurrence with Assembly amendments to a Senate bill.

Meetings and Reports of Committees on Conference

29. The first Senator named on the conference committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly. The chairman of the committee on conference for the house of origin of the bill shall arrange the time and place of meeting of the conference committee and shall prepare or direct the preparation of reports. It shall require an affirmative vote of not less than two of the Assembly Members and two of the Senate Members constituting the committee on conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. The committee on conference shall report to both the Senate and Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed; provided, however, that no more than three different conference committees shall be appointed on any one bill. No member who has served on a committee on conference shall be appointed a member of another committee on conference on the same bill. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of each house to adopt any conference report affecting any bill which contains an item or items of appropriation which are subject to

subdivision (d) of Section 12 of Article IV of the Constitution. The report of a conference committee shall be in writing, and a copy of any amendments proposed in the report shall be placed on the desk of each member of the house before it is acted upon by the house.

The vote on concurrence or upon the adoption of such conference report shall be deemed the vote upon final passage of such bill.

When Conference Committee Report Is in Order

30. The presentation of the report of a committee on conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during rollcall, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate.

Conference Committee Reports on Urgency Statutes

30.5. When the report of a committee on conference recommends the amendment of a bill by the addition of a section providing that the act shall take effect immediately as an urgency statute, the procedure and the vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall adopt the report of the committee on conference shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, the adoption of the report and the amendments proposed thereby shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to adopt the report of the committee on conference.

Miscellaneous Provisions

Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these rules shall be governed by Mason's Manual.

Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 26(k) of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers, news associations, or radio or television stations by which they are employed, and what other

occupations or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privilege of accredited press representatives.

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the Standing Committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio or television service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to news associations requiring telegraphic or radio or television service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the Press Room. The Press Room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

(f) No accredited member of the Capitol Correspondents Association shall, for compensation, perform any service for state constitutional officers or members of their staffs, for state agencies, for the Legislature, for candidates for state office, or for a state officeholder, or for any person registered or performing as a legislative advocate.

Dispensing With Joint Rules

33. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in that joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the rules of such house; and if it shall be decided that the joint rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in conference committee.

Opinions of Legislative Counsel

34. Whenever the Legislative Counsel issues an opinion to any person other than the first-named author analyzing the constitutionality, operation or effect of a bill or other legislative measure which is then pending before the Legislature or of any amendment made or proposed to be made to such bill or measure, he is authorized and instructed to deliver two copies of the opinion to the first-named author as promptly as feasible after the delivery of the original opinion and also to deliver a copy to any other author of the bill or measure who so requests. A copy of any letter prepared by the Legislative Counsel for the sole purpose of advising a Member of a conflict between two or more bills as to the sections of law being amended, repealed, or added shall be submitted to the chairman of the committee to which each such bill has been referred.

Resolutions Prepared by Legislative Counsel

34.1. Whenever the Legislative Counsel has been requested to draft a resolution commemorating or taking note of any event, or a resolution congratulating or expressing sympathy toward any person, and subsequently receives a similar request from another Member of the Legislature, he shall inform that requester and each subsequent requester that such a resolution is being, or has been, prepared, and he shall inform them of the name of the member for whom the resolution was, or is being, prepared.

Memorial Resolutions Regarding Members and Former Members of the Legislature

34.2. Whenever the death of a Member of the Legislature or a former member whose service was particularly notable, or any other person who has rendered exceptional service to society or has been unusually prominent in public life occurs, a concurrent resolution may be used as a memorial resolution in respect thereto. In all other instances a Senate resolution or a House resolution, or both, shall be used as a memorial resolution with respect to the deaths of other persons. In all cases a

Senate resolution or a House resolution, or both, shall be used to congratulate any person or organization upon the occurrence of any significant event or achievement.

Identical Drafting Requests

34.5. Whenever it shall come to the attention of the Legislative Counsel that a member has requested the drafting of a bill which will be substantially identical to one already introduced he shall inform such member of that fact.

Expense of Members

35. As provided in Section 8902 of the Government Code, each Member of the Legislature is entitled to reimbursement for living expenses while in attendance at sessions of the Legislature, or while traveling to and from or in attendance at a committee meeting, or while attending to any legislative function or responsibility as authorized or directed by legislative rules or the rules committee of the house of which he is a member at the same rate as may be established by the State Board of Control for other elected state officers. Each member shall be reimbursed for travel expenses incurred in traveling to and from a session of the Legislature, or when traveling to and from a meeting of a committee of which he is a member, or when traveling pursuant to any other legislative function or responsibility as authorized or directed by legislative rules or the rules committee of the house of which he is a member at the rate prescribed by Section 8903 of the Government Code.

As provided in Section 4 of Article IV of the Constitution, members shall receive five cents ($0.05) per mile for traveling to and from their homes in order to attend reconvening following the 30-day recess after a regular session.

Expense allowances for Members of the Senate and Assembly shall be approved and certified to the Controller by the Secretary of the Senate, on behalf of the Senate, and the Chief Clerk of the Assembly or other person authorized by the Assembly Committee on Rules, on behalf of the Assembly, weekly or as otherwise directed by either house, and upon such certification the Controller shall draw his warrants in payment of the allowances to the respective members.

Investigating Committees

36. In order to expedite the work of the Legislature either house, or both houses jointly, may by resolution or statute provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of

the subject concerning which it is to act and may authorize it to act either during sessions of the Legislature or, when such authorization may lawfully be made, after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt and amend such rules governing its procedure (including the fixing of its own quorum and the number of votes necessary to take action on any matter) as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary.

Each such committee is authorized and empowered to summon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

Each member of such committees is authorized and empowered to administer oaths, and all of the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant at Arms of the Senate or Assembly, or such other person as may be designated by the chairman of the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

Every department, commission, board, agency, officer and employee of the state government, including the Legislative Counsel and the Attorney General and their subordinates, and of every political subdivision, county, city, or public district of or in this state, shall give and furnish to these committees and to their subcommittees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may meet at any time during the period in which it is authorized to act, even though the Legislature is in session, either, at the State Capitol or at any other place in the State of California, in public or executive session, and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it or accomplish the objects and purposes of the resolution creating it. Each such committee may expend such money as may be made available to it for such purpose but no committee shall incur any indebtedness unless money shall have been first made available therefor.

No living expenses shall be allowed in connection with service upon a legislative committee for a day where the mem-

ber is entitled to reimbursement for expenses due to attendance at a session of the Legislature. The chairman of each committee shall audit and approve the expense claims of the members of the committee including claims for mileage in connection with attendance on committee business, or in connection with specific assignments by the committee chairman, but excluding other types of mileage, and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

The chairman of any such committee may appoint subcommittees and chairmen thereof for the purpose of more expeditiously handling and considering matters referred to it, and such subcommittees and the chairmen thereof shall have all the powers and authority herein conferred upon the committee and its chairman. The chairman of such subcommittee shall audit the expense claims of the members of such subcommittees and other claims and the expenses incurred by it and shall certify the amount thereof to the chairman of the committee who shall, if he approves the same, certify the amount thereof to the Controller, and the Controller shall draw his warrant therefor upon such certification, and the Treasurer shall pay the same. Whenever such committee or any subcommittee thereof is authorized to leave the State of California in the performance of its duties, then such committee or subcommittee shall, while out of the state, have the same authority as if it were acting and functioning within the state, and the members thereof shall be entitled to receive the same expense allowances as if the committee were functioning within the state.

Notwithstanding any provision of this rule, if the standing rules of either house require that expense claims of members of committees be audited or approved, after approval of the committee chairman, by another agency of either house, the Controller shall draw his warrants only upon the certification of such other agency.

Except salary claims of employees clearly subject to federal withheld tax and the requirement as to loyalty oaths, claims presented for services or pursuant to contract shall refer to the agreement, the terms of which shall be made available to the Controller.

Expenses of Interim Committee Employees

36.1. Unless otherwise provided by respective house or committee rule or resolution, employees of legislative committees shall, when entitled to traveling expenses, be entitled to allowances in lieu of actual expenses for hotel accommodations, breakfast, lunch, and dinner, at the rates fixed by the Board of Control from time to time in limitation of reimbursement of expenses of state employees generally; provided, that if an allowance for hotel accommodations, breakfast, lunch and dinner is made by a committee at a rate in excess of those fixed

by the Board of Control the chairman of the committee shall notify the Controller of that fact in writing.

Appointment of Committees

36.5. The provisions of this rule shall apply whenever a joint interim committee is created by a statute or resolution which either provides that appointments be made and vacancies be filled in the manner provided for in the Joint Rules, or which makes no provision for the appointment of members or the filling of vacancies.

The Senate members of the committee shall be appointed by the Senate Committee on Rules; the Assembly members of the committee shall be appointed by the Speaker; and vacancies occurring in the membership of the committee shall be filled by the respective appointing powers. The members appointed shall hold over until their successors are regularly selected.

Appointment of Joint Committee Chairmen

36.7. The chairman of each joint committee heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall be appointed by the Joint Committee on Legislative Organization from a member or members recommended by the Senate Committee on Rules and the Speaker of the Assembly.

Joint Committee Funds

36.8. Each joint committee, heretofore or hereafter created, except the Joint Legislative Budget Committee and the Joint Legislative Audit Committee, shall expend the funds heretofore or hereafter made available to it in accordance with the rules and regulations adopted by the Joint Committee on Legislative Organization.

Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the state budget, the revenues and expenditures of the state, and of the organization and functions of the state, its departments, subdivisions and agencies, with a view of reducing the cost of the state government, and securing greater efficiency and economy.

The committee shall consist of seven Members of the Senate and seven Members of the Assembly. The Senate members of the committee shall consist of seven Members of the Senate appointed by the Committee on Rules. The Assembly members

of the committee shall consist of seven Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between regular sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancies occurring between regular sessions, in the Assembly membership of the Legislative Budget Committee, shall be filled by the Speaker of the Assembly, and the Members of the Assembly appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Member of the Assembly whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The Legislative Budget Committee may render services to any investigating committee of the Legislature pursuant to contract between the Legislative Budget Committee and the committee for which the services are to be performed. The contract may provide for payment to the Legislative Budget Committee of the cost of such services from the funds appropriated to the contracting investigating committee. All legislative investigating committees are authorized to enter such contracts with the Legislative Budget Committee. Money received by the Legislative Budget Committee pursuant to any such agreement shall be in augmentation of the current appropriation for the support of the Legislative Budget Committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or pursuant to Section 11 of Article IV of the Constitution.

The committee shall have authority to appoint a Legislative Analyst, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as

may appear necessary. The duties of the Legislative Analyst shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State budget.

(b) Revenues and expenditures of the state.

(c) The organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Analyst under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The chairman of the committee or, in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Analyst for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Analyst with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Analyst nor any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Analyst, upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requester to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requester or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requester. In the event the committee refuses such authorization, he shall inform such requester forthwith.

Registration of Legislative Representatives

37.5. In addition to the duties hereinabove prescribed the Legislative Analyst is directed, so long as he is designated to be "clerk" or "secretary" pursuant to subdivision (d) of Section 9900 of the Government Code, to assign one or more members of his staff to carry out the filing duties imposed by Sections 9900 through 9907 of the Government Code, but he shall undertake no duties which are not specifically authorized by the Joint Rules, by contracts entered into pursuant to such rules, or by direction of the Legislative Budget Committee.

Adjournment

38. Adjournment sine die shall be made only by concurrent resolution.

Designating Legislative Sessions

39. All regular sessions of the Legislature shall be designated by the year in which held, and all extraordinary sessions shall be designated in numerical order by the year in which convened.

Easter Recess

39.1. Each House of the Legislature shall be in recess each year from adjournment of its session on the Friday next

preceding Good Friday until the time set for reconvening on the Monday next following Easter Sunday.

Joint Committee on Legislative Organization

40. The Joint Committee on Legislative Organization is hereby created. The committee has a continuing existence and may meet, act, and conduct its business during sessions of the Legislature or any recess thereof, and in the interim period between sessions.

The committee shall consist of seven members of the Assembly Committee on Rules and five members of the Senate Committee on Rules, the Speaker of the Assembly, and three Members of the Senate to be appointed by the Senate Committee on Rules. Vacancies occurring in the membership shall be filled by the appointing power.

The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

The committee shall ascertain facts and make recommendations to the Legislature and to the houses thereof concerning:

(a) The relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

(b) The legislative branch of the state government and any defects or deficiencies in the law governing that branch.

(c) Methods whereby legislation is proposed, considered and acted upon.

(d) The operation of the Legislature, and the committees thereof, and the means of coordinating the work thereof and avoiding duplication of effort.

(e) Aids to the Legislature.

(f) Information and statistics for the use of the Legislature, the respective houses thereof, and the members.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership.

(b) To allocate space in the State Capitol Building and all annexes and additions thereto as provided by law.

(c) To approve, as provided by law, the appearance of the Legislative Counsel in litigation.

(d) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(e) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(f) To report its findings and recommendations, including recommendations for the needed revision of any and all laws and constitutional provisions relating to the Legislature, to the Legislature and to the people from time to time and at any time.

(g) The committee, and any subcommittee when so authorized by the committee, may meet and act without as well as within the State of California, and is authorized to leave the state in the performance of its duties.

(h) To expend such funds as may be made available to it to carry out the functions and activities related to the legislative affairs of the Senate and Assembly.

(i) To appoint a chief administrative officer of the committee, who shall have such duties relating to the administrative, fiscal and business affairs of the committee as the committee shall prescribe. The committee may terminate the services of the chief administrative officer at any time.

(j) To appoint the chairman of joint committees, as authorized by Joint Rule 36.7.

(k) To adopt rules and regulations governing the expenditure of funds by joint committees, as authorized by Joint Rule 36.8. Such rules and regulations shall include a requirement for the approval of such claims as the committee deems necessary by the committee or its designee.

(*l*) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

The committee shall succeed to, and is vested with, all of the powers and duties of the State Capitol Committee, the Joint Committee on Interhouse Cooperation, the Joint Legislative Committee for School Visitations, and the Joint Standing Committee on the Joint Rules of the Senate and the Assembly.

Claims for Workmen's Compensation

41. The Chairman of the Rules Committee of each house, or his designated representative, shall sign any required workmen's compensation report regarding injuries or death arising out of and within the course of employment suffered by any member, officer or employee of the house, or any employee of a standing or interim committee thereof. In the case of a joint

committee, the Chairman of the Rules Committee of either house, or his designated representative, may sign any such report in respect to a member or employee of such joint committee.

Information Concerning Interim Committees

42. The Rules Committee of each house shall provide for a continuous cumulation during interim periods between sessions of the Legislature of information concerning the membership, organization, meetings and studies of legislative investigating committees. Each Rules Committee shall be responsible for information concerning the investigating committees of its own house and concerning joint investigating committees under the chairmanship of a member of that house. To the extent possible, each Rules Committee shall seek to insure that the investigating committees for which it has responsibility under this rule have organized, including the organization of any subcommittees, and have had all topics for study assigned to them within 30 days after the adjournment of each regular session of the Legislature.

The information thus cumulated shall be made available to the public by the Rules Committee of each house and shall be published periodically under their joint direction.

Joint Committees

43. Concurrent resolutions creating joint committees of the Legislature and concurrent resolutions allocating moneys from the Contingent Funds of the Assembly and Senate to such committees shall be referred to the Committees on Rules of the respective houses.

Conflict of Interest

44. (a) No Member of the Legislature 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 rule 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 rule 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 rule 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 rule shall not apply in connection with any matter pending before any state board of agency on the operative date of this rule 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 rule;

(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.

(c) A person subject to this rule has an interest 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 or a personal interest, arising from any situation, within the scope of this rule, if he has reason to believe or expect that he will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state or a personal interest, arising from any situation, within the scope of this rule, if any benefit or detriment accrues to him as a member of a business, profession, occupation, or group to no greater extent than any other member of such business, profession, occupation, or group.

(d) A person subject to the provisions of this rule shall not be deemed to be engaged in any activity which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, arising from any situation, or to have a personal interest, arising from any situation, within the scope of this rule, solely by reason of any of the following:

(1) His relationship to any potential beneficiary of any situation is one which is defined as a remote interest by Section 1091 of the Government Code or is otherwise not deemed to be a prohibited interest by Section 1091.1 or 1091.5 of the Government Code.

(2) Receipt of a campaign contribution regulated, received, reported, and accounted for pursuant to Division 8 (commencing with Section 11500) of the Elections Code, so long as the contribution is not made on the understanding or agreement, in violation of law, that the person's vote, opinion, judgment, or action will be influenced thereby.

(e) The enumeration in this rule of specific situations or conditions which are deemed not to result in substantial conflicts with the proper discharge of the duties and responsibilities of a legislator or legislative employee or in a personal interest shall not be construed as exclusive.

The Legislature in adopting this rule recognizes that Members of the Legislature and legislative employees may need to

engage in employment, professional, or business activities other than legislative activities, in order to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of the chapter. However, in construing and administering the provisions of the rule, weight should be given to any coincidence of income, employment, investment, or other profit from sources which may be identified with the interests represented by those sources which are seeking action of any character on matters then pending before the Legislature.

(f) No employee of either house of the Legislature shall, during the time he is so employed, commit any act or engage in any activity prohibited by any part of this rule.

(g) No person shall induce or seek to induce any Member of the Legislature to violate any part of this rule.

(h) Violations of these rules are punishable as provided in Section 8926 of the Government Code.

Joint Legislative Ethics Committee

45. (a) The Joint Legislative Ethics Committee is hereby created. The committee shall consist of three Members of the Senate appointed by the Senate Committee on Rules and three Members of the Assembly appointed by the Speaker of the Assembly. Of the three members appointed from each house, at least one from each house shall be a member of the political party having the largest number of members in that house and at least one from each house shall be a member of the political party having the second largest number of members in that house. The committee shall elect its own chairman. Vacancies occurring in the membership of the committee shall be filled in the manner provided for in these rules for other committees. A vacancy shall be deemed to exist as to any member of the committee whose term is expiring whenever such member is not reelected at the general election.

(b) The committee is authorized to make rules governing its own proceedings. The provisions of Rule 36 of the Joint Rules of the Senate and Assembly relating to investigating committees shall apply to the committee.

Prior to the issuance of any subpoena by the committee with respect to any matter before the committee, it shall by a resolution adopted by a vote of two members of the committee from each house of the Legislature define the nature and scope of its investigation in the matter before it.

(c) Funds for the support of the committee shall be provided from the Contingent Funds of the Assembly and the Senate in the same manner that such funds are made available to other joint committees of the Legislature.

(d) The committee shall have power, pursuant to the provisions of this rule, to investigate and make findings and

recommendations concerning alleged violations by Members of the Legislature of the provisions of Rule 44.

(e) Any person may: (a) file with the committee a verified complaint in writing which shall state the name of the Member of the Legislature alleged to have committed the violation complained of, and which shall set forth the particulars thereof, or (b) file a complaint concerning the alleged violation by a Member of the Legislature with the district attorney of the appropriate county.

If a person files a complaint with respect to any alleged violation by a Member of the Legislature with the committee, he may not thereafter file a complaint to institute a criminal prosecution for such violation until the committee has rendered its report or until a period of 120 days has elapsed since the filing of the complaint. If a complaint is filed with the appropriate district attorney by any person concerning an alleged violation by a Member of the Legislature of any provision of Rule 44, such person may not thereafter file a complaint with respect to such alleged violation with the committee.

If a complaint is filed with the committee, the committee shall promptly send a copy of the complaint to the Member of the Legislature alleged to have committed the violation complained of, who shall thereafter be designated as the respondent.

No complaint may be filed with the committee after the expiration of six months from the date upon which the alleged violation occurred.

(f) If the committee determines that the verified complaint does not allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, it shall dismiss the complaint and notify the complainant and respondent thereof. If the committee determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of any of the provisions of Rule 44, the committee shall promptly investigate the alleged violation and, if after such preliminary investigation, the committee finds that probable cause exists for believing the allegations of the complaint, it shall fix a time for a hearing in the matter, which shall be not more than 30 days after such finding. If, after the preliminary investigation, the committee finds that probable cause does not exist for believing the allegations of the complaint, the committee shall dismiss the complaint. In either event the committee shall notify the complainant and respondent of its determination.

(g) After the complaint has been filed the respondent shall be entitled to examine and make copies of all evidence in the possession of the committee relating to the complaint.

(h) If a hearing is to be held pursuant to subdivision (f) the committee, before the hearing has commenced, shall issue

subpoenas and subpoenas duces tecum at the request of any party in accordance with the provisions of Chapter 4 (commencing with Section 9400), Part 1, Division 2, Title 2 of the Government Code. All of the provisions of Chapter 4, except Section 9410, shall be applicable to the committee and the witnesses before it.

(i) At any hearing held by the committee:

(1) Oral evidence shall be taken only on oath or affirmation.

(2) Each party shall have these rights: to be represented by legal counsel; to call and examine witnesses; to introduce exhibits; and to cross-examine opposing witnesses.

(3) The hearing shall be open to the public.

(j) Any official or other person whose name is mentioned at any investigation or hearing of the committee and who believes that testimony has been given which adversely affects him, shall have the right to testify or, at the discretion of the committee, to file a statement of facts under oath relating solely to the material relevant to the testimony of which he complains.

(k) After the hearing the committee shall state its findings of fact. If the committee finds that the respondent has not violated any provisions of Rule 44, it shall order the action dismissed, and shall notify the respondent and complainant thereof and shall also transmit a copy of the complaint and the fact of dismissal to the Attorney General and to the district attorney of the appropriate county. If the committee finds that the respondent has violated any provisions of Rule 44, it shall state its findings of fact and submit a report thereon to the house in which the respondent serves, send a copy of such findings and report to the complainant and respondent, and the committee shall also report thereon to the Attorney General and to the district attorney of the appropriate county.

(*l*) Nothing in this chapter shall preclude any person from instituting a prosecution for violation of any provision of Rule 44 unless such person has filed a complaint with the committee concerning such violation, in which case such person may not file a complaint with the district attorney of the appropriate county to institute a criminal prosecution for such violation until the committee has made its determination of the matter or a period of 120 days has elapsed since the filing of the complaint with the committee.

(m) The filing of a complaint with the committee pursuant to this rule suspends the running of the statute of limitations applicable to any violation of the provisions of Rule 44 while such complaint is pending.

(n) The committee shall maintain a record of its investigations, inquiries, and proceedings. All records, complaints, documents, reports filed with or submitted to or made by the committee, and all records and transcripts of any investigations, inquiries or hearings of the committee under this rule

shall be deemed confidential and shall not be open to inspection by any person other than a member of the committee, an employee of the committee, or a state employee designated to assist the committee, except as otherwise specifically provided in this rule. The committee may, by adoption of a resolution, authorize the release to the Attorney General or to the district attorney of the appropriate county of any information, records, complaints, documents, reports, and transcripts in its possession material to any matter pending before the Attorney General or the district attorney. All matters presented at a public hearing of the committee and all reports of the committee stating a final finding of fact pursuant to subdivision (k) shall be public records and open to public inspection. Any employee of the committee who divulges any matter which is deemed to be confidential by this subdivision is punishable as provided in Section 8953 of the Government Code.

(o) All actions of the committee shall require the concurrence of two members of the committee from each house.

(p) The committee may render advisory opinions to Members of the Legislature with respect to the provisions of Rule 44 and their application and construction. The committee may secure an opinion from the Legislative Counsel for this purpose or issue its own opinion.

RESOLUTION CHAPTER 353

Senate Concurrent Resolution No. 158—Relative to Douglas Boulevard.

[Filed with Secretary of State August 19, 1969]

WHEREAS, There exists a severe traffic congestion problem on Douglas Boulevard between the entrance to the Folsom State Park and the Auburn-Folsom Road; and

WHEREAS, The congestion is the result of large numbers of park visitors parking outside of the park and walking into the park; and

WHEREAS, The congestion makes vehicular and pedestrian travel on this portion of Douglas Boulevard extremely hazardous; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Division of Highways of the Department of Public Works to study the congestion problem on Douglas Boulevard between the entrance to the Folsom State Park and the Auburn-Folsom Road and to report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 354

Senate Joint Resolution No. 12—Relative to school nutrition programs.

[Filed with Secretary of State August 19, 1969]

WHEREAS, The proposed federal budget for 1970, submitted by President Johnson, deleted provisions for the school milk programs; and

WHEREAS, Under existing budget provisions school lunch program funds will terminate on October 31, 1969; and

WHEREAS, There are many families in the United States and California who, because of their financial condition, have an inadequate diet; and

WHEREAS, The school milk program and the school lunch programs supplemented the inadequate diet of the children of these families; and

WHEREAS, H.R. 515 and H R 516, Perkins and S B. 2548, Talmadge, will strengthen and extend existing child nutrition programs; and

WHEREAS, S.B. 644, McGovern, and H R. 5568, Sisk, will provide funds for the continuation and improvement of the school milk program; and

WHEREAS, The lack of an adequately balanced diet among schoolchildren contributes in part to their poor performances in school; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, and the Congress, to give support to and to continue the programs that provide nutritional food services for schoolchildren that are currently deprived of adequate diet; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Secretary of Agriculture, the Secretary of Health, Education, and Welfare, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 355

Senate Concurrent Resolution No. 80—Relative to the memory of John R. Trainor.

[Filed with Secretary of State August 19, 1969.]

WHEREAS, John R. Trainor, late Mayor of the City of Red Bluff, was for many years exceedingly interested, active, and effective in supporting the development of the highway program in northern California; and

WHEREAS, He served as a director for many years and was serving as president of Highway 36 Association until his untimely death; and

WHEREAS, The Highway 36 Association at its annual meeting at Fortuna on August 3, 1968, and the City Council of the City of Red Bluff at a meeting on August 6, 1968, passed resolutions requesting that a bridge on Route 36 be named in his memory; and

WHEREAS, It is only fitting that his long and dedicated service to the development of highways in northern California be given permanent recognition by the people of this state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the bridge now under construction on State Highway Route 36 across the South Fork of Cottonwood Creek is hereby officially designated the John R. Trainor Memorial Bridge; and be it further

Resolved, That the Department of Public Works be directed to erect appropriate signs and markers showing this official dedication; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 356

Senate Concurrent Resolution No. 109—Relative to the Division of Forestry District #3 office.

[Filed with Secretary of State August 19, 1969.]

WHEREAS, The Division of Forestry will be required to move its present District #3 office, which is located on the Sacramento State College campus, to a new location in 1974; and

WHEREAS, The division has proposed moving such office to a location on Highway 50 at Cordova Lane in Sacramento County; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Secretary of the Resources Agency to study possibilities of moving the Division of Forestry District #3 office to a location within the Third Senatorial District and the Sixth Assembly District, where the majority of the activities of the district office takes place, rather than to the proposed site on Highway 50 at Cordova Lane in Sacramento County, when such office is required to be moved in 1974, and to report thereon to the Legislature not later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Secretary of the Resources Agency.

RESOLUTION CHAPTER 357

Senate Concurrent Resolution No. 145—Relative to the Interstate 5 bridge above Sacramento.

[Filed with Secretary of State August 19, 1969]

WHEREAS, During the conflict in Vietnam nearly 600 men from Sacramento, Placer, Yolo, Yuba, and El Dorado Counties have been killed; and

WHEREAS, The bridge across the Sacramento River above Sacramento on Interstate 5 will serve the citizens of these counties; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Members urge the Department of Public Works to place a plaque on the bridge across the Sacramento River above Sacramento on Interstate 5 dedicating the bridge to the memory of the men of Sacramento, Placer, Yolo, Yuba, and El Dorado Counties who gave their lives in Vietnam; and be it further

Resolved, That the department is urged to accept donations from the public and apply them to the placing and maintenance of the plaque; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 358

Assembly Constitutional Amendment No. 60—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 7 of, and by adding Section 7.5 to, Article IX thereof, relating to public education.

[Filed with Secretary of State August 19, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 7 of Article IX be amended to read:

SEC. 7. The Legislature shall provide for the appointment or election of the State Board of Education and a board of education in each county.

Second—That Section 7.5 be added to Article IX, to read:

SEC. 7.5. The State Board of Education shall adopt textbooks for use in grades one through eight throughout the State, to be furnished without cost as provided by statute.

RESOLUTION CHAPTER 359

Senate Concurrent Resolution No. 154—Relative to the constitutional recess of the Legislature.

[Filed with Secretary of State August 20, 1969.]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the 1969 Regular Session of the Legislature of the State of California shall recess for the 30-day period required by Section 3 of Article IV of the Constitution at the end of the sessions of each house on August 8, 1969, and shall reassemble at 3 o'clock p.m. on September 8, 1969.

RESOLUTION CHAPTER 360

Assembly Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 9 of Article IX thereof, relating to the Regents of the University of California.

[Filed with Secretary of State August 21, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by amending Section 9 of Article IX thereof to read:

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of eight ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco, the president of the alumni association of the university and the acting president of the university, and 16 appointive members appointed by the Governor; provided, however, that the present appointive members shall hold office until the expiration of their present terms. The term of the appointive members shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every even-numbered calendar year, and in case of any vacancy the term of office of the appointee to fill such

vacancy, who shall be appointed by the Governor, to be for the balance of the term as to which such vacancy exists. Said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that all moneys derived from the sale of public lands donated to this state by act of Congress approved July 2, 1862 (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts, in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.

(b) Meetings of the regents shall be public, with exceptions and notice requirements as may be provided by statute.

And be it further resolved, That if the Legislature at the 1970 Regular Session proposes to the people a partial revision of the Constitution which includes the open meeting requirement in Section 9 of Article IX proposed in this measure, then this measure shall not be proposed to the people and shall not be placed on the ballot.

RESOLUTION CHAPTER 361

Assembly Constitutional Amendment No. 79—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding subdivision

(d) to Section 4 of Article XXIV, by amending subdivision (m) of Section 4 of Article XXIV, and repealing Section 2.1 of Article IX thereof, relating to education.

[Filed with Secretary of State August 21, 1969.]

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding subdivision (d) to Section 4 of Article XXIV and repealing Section 2.1 of Article IX thereof as follows:

First—That Section 2.1 of Article IX be repealed.

Second—That subdivision (d) be added to Section 4 of Article XXIV, to read:

(d) In addition to positions exempted by other provisions of this section, the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than three Associate Superintendents of Public Instruction, whose terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That if Assembly Constitutional Amendment No. 28 of the 1969 Regular Session of the Legislature is adopted and approved by the electors at the June 1970 election, subdivision (m) of Section 4 of Article XXIV, as proposed to be added by Assembly Constitutional Amendment No. 28, is amended to read:

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, the Legislative Counsel may appoint or employ two deputies or employees, and the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, whose terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That the provisions of the second resolved clause of this measure shall become operative only if Assembly Constitutional Amendment No. 28 is adopted by the electors at the June 1970 election, in which case subdivision (d) of Section 4 of Article XXIV as added by the first resolved clause of this measure is repealed.

RESOLUTION CHAPTER 362

Assembly Concurrent Resolution No. 46—Relating to the Norwalk Freeway.

[Filed with Secretary of State August 21, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That State Highway Route 105 from Route 405 to Route 605 near the City of Norwalk is hereby officially designated and named the Norwalk Freeway; and be it further

Resolved, That State Highway Route 105 from Route 1 near the City of El Segundo and Los Angeles International Airport to Route 405 is hereby officially designated and named the El Segundo Freeway; and be it further

Resolved, That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs on such portions of highways upon their construction as a freeways, showing such official designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 363

Assembly Concurrent Resolution No. 149—Relating to directing the State Board of Education to develop administrative regulations for the mandatory installation of safety belts in all schoolbuses.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, The Members of the Legislature are vitally concerned that the highest safety standards for schoolbus transportation be provided; and

WHEREAS, The revised design of schoolbus interiors as well as the installation of seatbelts on schoolbuses would be a significant improvement in safety standards; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members direct the State Board of Education to develop administrative regulations, after considering the recommendations of the Institute of Transportation and Traffic Engineering at U.C.L.A. and of any other schoolbus safety studies now in progress, and to make appropriate provision concerning the entire area of interior passenger safety, including the installation of seatbelts in all new schoolbuses purchased after January 1, 1972.

RESOLUTION CHAPTER 364

Assembly Concurrent Resolution No. 247—Relative to commending the South Bay Daily Breeze.

[Filed with Secretary of State August 21, 1969]

WHEREAS, The South Bay Daily Breeze of Torrance, California, is celebrating its 75th year of publication serving the southwestern portion of Los Angeles County; and

WHEREAS, The Daily Breeze was founded in 1894 in Redondo Beach by S. D. "Doc" Barkley, and, in 1928, after having passed through many hands, was purchased by the late Colonel Ira C. Copley, whose son, James S. Copley, still owns the paper today; and

WHEREAS, Today's South Bay Daily Breeze serves 17 cities, covering a market of over three-quarters of a million people, and employs over 300 full-time persons, plus over 1,000 carrier boys; and

WHEREAS, Published seven days a week, the South Bay Daily Breeze has a daily paid circulation of 60,000, plus an additional 200,000 copies distributed weekly under the banner of the "Breeze Advertisers"; and

WHEREAS, The highlight of the South Bay Daily Breeze's Diamond Jubilee year will be the publication, on September 26, of a full-color, offset-printed "Diamond Jubilee Edition"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members commend the South Bay Daily Breeze for 75 years of publication; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Mr. Robert L. Curry, publisher of the South Bay Daily Breeze.

RESOLUTION CHAPTER 365

Assembly Joint Resolution No. 16—Relative to offshore oil development operations.

[Filed with Secretary of State August 21, 1969]

WHEREAS, The great scenic beauty of the shoreline along the California coast is one of the state's magnificent heritages; and

WHEREAS, An oil spillage of mammoth proportions has occurred at an offshore oil drilling operation in the Santa Barbara Channel; and

WHEREAS, This massive oil leakage has caused immeasurable damage and destruction to the California coast and brought death to countless fish and coastal wildlife; and

WHEREAS, The Santa Barbara Channel is known to be an area of geological fracturing and there is a danger that further oil leakage disasters may occur; and

WHEREAS, Such drilling operations are located on federal outercontinental shelflands and operate under lease from the United States Department of the Interior and under federal regulations; and

WHEREAS, In view of the oil pollution now wreaking such terrible damage to our coast, it is evident that the public interest would be well served through creation of an insurance fund for the protection and preservation of the California shoreline; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to review and strengthen federal regulations pertaining to oil drilling operations in areas such as the Santa Barbara Channel under federal control, taking into account the geological fracturing and faulting which exist in such areas; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to permit authorized representatives of the State of California to make onsite inspection of oil drilling facilities and practices at oil development operations located on federal outercontinental shelflands off the California coast and to permit state supervision of such operations; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to halt all oil drilling operations in the Santa Barbara Channel under federal control until a well-by-well inspection can be made; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish an insurance fund from revenue produced through offshore oil development and production, to be used for removal of pollution, contamination, or debris resulting from such development and operations which affect the California shoreline and for the compensation of landowners, including public agencies, for private or public property damage; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 366

Assembly Joint Resolution No. 60—Relative to vocational education.

[Filed with Secretary of State August 21, 1969]

WHEREAS, The Members of the Legislature of the State of California are of the opinion that the amendments to the Vocational Education Act of 1963 contained in Public Law 90-576 manifest an intent on the part of the United States Congress to expand vocational education opportunities in all 50 states; and

WHEREAS, This expansion will prove to be impossible to attain without increased financial support for these worthwhile programs; and

WHEREAS, The momentum that has been generated for vocational education in recent years will be lost unless more funds are available; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide increased funds for vocational education programs maintained pursuant to the Vocational Education Act of 1963; as amended, and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Chairman of the Subcommittee on Labor, Health, Education, and Welfare, Related Agencies of the Committee on Appropriations of the United States Senate, and to the Chairman of the Subcommittee on Labor, Health, Education, and Welfare of the Committee on Appropriations of the United States House of Representatives.

RESOLUTION CHAPTER 367

Assembly Concurrent Resolution No. 153—Relative to the Fairs Allocation and Classification Committee.

[Filed with Secretary of State August 21, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available to it, the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Fairs Allocation and Classification Committee and its members and for any charges, expenses or claims it may incur, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 368

Assembly Concurrent Resolution No. 222—Relative to instructional television.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, Instructional television in school districts offers a variety of programs for classroom instruction in grades kindergarten through 12; and

WHEREAS, Instructional television is financed by local school districts, federal appropriations, state appropriations and the county school service funds; and

WHEREAS, The costs of instructional television, reported by the Department of Education, for 1967–68 were $2,781,104; and

WHEREAS, No statewide audit of these costs has been made; and

WHEREAS, It is reported that no study has been made to evaluate the effectiveness of instructional television programs; and

WHEREAS, It is reported that low-wealth school districts cannot afford instructional television programs; and

WHEREAS, It is reported that more financial assistance will be needed; and

WHEREAS, There is no data available to correlate the quality and effectiveness of instructional television programs; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request that an audit be performed of the reported costs of instructional television programs in school districts and a determination of the cost effectiveness of these programs be made by the Office of the Auditor General, the Joint Legislative Audit Committee, the Department of Education, and such other departments, agencies or committees deemed advisable by the Auditor General, to develop accurate and uniform cost reporting by all affected school districts; and be it further

Resolved, That such a study shall include comparable cost data of programs offered in other states in the United States; an analysis of the costs of contracts between school districts and television stations; an analysis of federal involvement in instructional television programs; an analysis of administrative costs and the internal controls over such administrative costs; and a determination of whether the reimbursements to school districts should be increased or decreased; and be it further

Resolved, That a report be transmitted by the Auditor General and the Joint Legislative Audit Committee to the State Legislature by the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Auditor General.

RESOLUTION CHAPTER 369

Senate Constitutional Amendment No. 29—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 1¼a and Section 1¼b of Article XIII thereof, relating to veterans' exemptions.

[Filed with Secretary of State August 21, 1969.]

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1969 Regular Session commencing on the sixth day of January, 1969, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended as follows:

First—That Section 1¼a of Article XIII be amended to read:

SEC. 1¼a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of (a) every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property, and; (b) the home of the widow of every such person if the home was acquired as described in subdivision (a); except that such exemption shall not extend to more than one home nor exceed ten thousand dollars ($10,000) for any person, for any person and his spouse, or for his widow. This exemption shall be in lieu of the exemption provided in Section 1¼ of this article.

Where such totally disabled person, such person and his spouse, or his widow, sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person, such person and his spouse, or his widow, occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

This section shall not apply to a widow upon her remarriage.

Second—That Section 1¼b of Article XIII be amended to read:

SEC. 1¼b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1¼ of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less; except that such exemption shall not extend to more than one home nor exceed five thousand dollars ($5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1¼ of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

The exemption provided by this section shall apply to the home of such a person which is owned by a corporation of which he is a shareholder, the rights of shareholding in which entitle him to possession of a home owned by the corporation.

This section shall apply to such property for the 1965–1966 fiscal year in the manner provided by law.

RESOLUTION CHAPTER 370

Senate Concurrent Resolution No. 133—Relative to the Joint Legislative Committee on Public Domain.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, It has been found by the Joint Legislative Committee on Public Domain that there is insufficient information about state lands administered as proprietary or sovereign lands; and

WHEREAS, It is in the interest of all citizens of the state and the California State Legislature to be fully apprised of the extent, use and projected use of all state lands; and

WHEREAS, The Legislature can foresee that hundreds of millions of dollars in revenues can be saved or earned through the proper administration or utilization of state lands and the mineral rights therein; and

WHEREAS, The Joint Legislative Committee on Public Domain and its predecessor, the Joint Legislative Committee on Tidelands, have prepared a comprehensive inventory study of all tidelands under trust in California, a major study of geothermal energy in California and other public domain studies; and

WHEREAS, The committee has an extensive file of information on all state-owned or administered lands; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, as follows:

1. The Joint Legislative Committee on Public Domain is hereby continued in existence.

2. The committee is hereby authorized and directed to continue to ascertain, study, and analyze all facts relating to the best use of the revenues which now or in the future accrue from the development of the tide and submerged lands held in trust, to meet the financial needs of the State of California and the trust provisions as outlined in the tideland grants, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws in any way bearing upon or relating thereto, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation.

The committee's study shall take into account, among other things, the requirement set forth in grants of tide and submerged lands that such lands shall be used only for a specific purpose such as the establishment, improvement and conduct of a harbor, airport or other facilities for the promotion and accommodation of commerce and navigation; that the granted lands shall be improved by the grantee without expense to the State of California and that facilities developed thereon remain open to the public for all purposes of commerce and navigation; the financial requirements of the grantee to meet its obligation to improve said lands; that the State of California has the right to use the granted lands without charge for certain purposes; protection of the natural beauty of the area and the public health and safety; the use of proceeds for the wise and adequate development, maintenance and operation of the trust lands, and the provision of adequate financial reserves and safeguards to cover any unforeseen problems that might arise in connection with the trust development in the future.

3. The committee is further authorized and directed to review public land management policies of other states and propose to the Legislature model methods of public land management.

4. The committee shall continue to consist of five Members of the Senate appointed by the Committee on Rules thereof, and five Members of the Assembly appointed by the Speaker thereof. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

5. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which pro-

visions are incorporated herein and made applicable to this committee and its members.

6. The committee and its members are authorized to study and inventory lands and rights therein owned or administered by the state, determine the uses to which these lands and rights are currently being put, prepare an analysis of the projected uses of such lands, and devise a system of automatic inventory and reporting of the uses of state lands.

7. In addition to the foregoing, the committee and its members shall study the potential state benefit from mineral resources on state-owned lands and the extent to which such lands may be disposed of and returned to the tax rolls.

8. The committee has the following additional powers and duties:

(a) To select a chairman and a vice chairman from its membership; provided, that the chairmanship shall be alternated annually between the Senate and Assembly membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it is created.

(c) To cooperate with and secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of this resolution and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee.

(d) To report its findings and recommendations to the Legislature not later than June 30, 1970.

(e) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

9. In addition to any money heretofore made available to it, the sum of twenty-seven thousand five hundred dollars ($27,500), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 371

Senate Concurrent Resolution No. 166—Relative to the death of Hugh P. Donnelly.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, It was with the most sincere and profound sorrow that the Members of the Legislature of the State of California learned of the death of their good friend and distinguished former colleague, Hugh P. Donnelly; and

WHEREAS, A man of unique integrity and outstanding ability, Hugh Donnelly was first elected to the Assembly in 1934 and quickly became one of the key powers in the California Legislature; and

WHEREAS, A popular legislator, he won the respect and esteem of his colleagues and in 1939 was elected as the Speaker pro Tempore of the Assembly; and

WHEREAS, The faith and devotion which his constituents had for him was demonstrated by his election to the State Senate in 1942 and his continuous reelection to the Senate until his retirement; and

WHEREAS, During his many years as a lawmaker, he authored many pieces of important legislation, especially in the areas of education and agriculture, and was responsible for legislation which banned the sale of dangerously inflammable or explosive wearing apparel, the first bill of its kind in the United States; and

WHEREAS, He also attained prominence for his work in putting through a measure making it compulsory to have available proper medical supplies when children in public or private schools are taken on field trips into snake-infested territory; and

WHEREAS, He retired from the Senate in 1966, climaxing a distinguished political career marked by major achievements and historic battles; and

WHEREAS, Throughout his long and outstanding career he was a diligent and conscientious public servant, as well as a beloved person to his family and many friends; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members hereby pay tribute to the memory of their former colleague, Hugh P. Donnelly, and extend their sincere and heartfelt condolences to the members of his family; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to Hugh Donnelly's widow, Thelma, to his son, Hugh, Jr., and to his daughter, Rosemary Bristow; to his grandchildren, Richard Bristow, John Bristow, Loretta Bristow, Eileen McLaren, Sheila Donnelly, and Frank Donnelly; to his sister, Sister Mary Geovanni, and to his brother, Vincent J. Donnelly.

RESOLUTION CHAPTER 372

Senate Joint Resolution No. 15—Relative to federal flood control assistance.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, Many counties and communities in the State of California have been subjected to heavy and continuous rainfall and disastrous flooding; and

WHEREAS, Such rainfall and flooding have caused great damage to both public and private property throughout the state and have resulted in substantial monetary losses; and

WHEREAS, Conditions resulting from such rainfall and flooding continue to cause extreme peril to the safety of both persons and property throughout the state; and

WHEREAS, The Governor of the State of California has proclaimed a state of disaster in many areas of the state; and

WHEREAS, Legislation which would provide for increases in the amount of federal assistance available to disaster areas under already existing programs has been introduced in the Congress of the United States; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to enact pending legislation dealing with this problem; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 373

Senate Joint Resolution No. 29—Relative to Point Reyes National Seashore.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, A total of 64,415 acres of land is in the process of acquisition by the federal government pursuant to the act of Congress approved September 13, 1962 (72 Stats. 538), as amended in 1966, establishing the Point Reyes National Seashore in California; and

WHEREAS, The State of California has provided 11,415 acres of tidelands, the federal government has additionally acquired 23,845 acres, and 29,155 acres remain to be acquired by purchase; and

WHEREAS, The 1966 amendment to the act provided an increase in the amount authorized to be expended for the pur-

chase of land for the project from $14,000,000 to $19,135,000; and

WHEREAS, As is the case with respect to lands throughout California, the value of lands within the area of the Point Reyes National Seashore has risen substantially since 1962 and 1966 and an increase in the presently authorized expenditure of funds is necessary in order to acquire the remaining 29,155 acres; and

WHEREAS, The National Park Service, in the course of recent hearings on HR 3786 in the National Parks and Recreation Subcommittee of the House Committee on Interior and Insular Affairs, indicated an intention to sell approximately 9,000 acres of acquired National Seashore property to private owners for development; and

WHEREAS, The people of the State of California are opposed to the use of any National Seashore property for commercial or residential development which would reduce Point Reyes National Seashore property and alter the basic concept of the present plan; and

WHEREAS, After due and careful consideration of the public interest, Senators Alan Cranston and George Murphy and Congressmen Don Clausen and William Mailliard, representing the First and Sixth Congressional Districts of California, respectively, have introduced bills (S. 1530 and H.R. 3786) before the 91st Congress, supported by a majority of California Congressmen, to further amend the act to authorize an increase in the expenditure of funds from $19,135,000 to $57,500,000 for the acquisition of Point Reyes National Seashore lands; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to move swiftly to support and enact S. 1530 and H.R. 3786 of the 91st Congress into law and thus act in the interest of the people of California and of the United States to complete the Point Reyes National Seashore in general, and particularly, to secure the immediate purchase of the property to insure that the National Seashore will not be split by the pending subdivision; and be it further

Resolved, That the National Park Service is hereby requested to carefully reevaluate its budgetary requirements for completion of the National Seashore in the most conservative manner so that there is no question but that funds sufficient to complete the National Seashore will be authorized; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the National Park Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 374

Senate Joint Resolution No. 32—Relative to federal policy in regard to Indians in California.

[Filed with Secretary of State August 21, 1969.]

WHEREAS, The Indians of California are virtually excluded from participation in various federal programs and services that are available to other Indians of the United States; and

WHEREAS, The Legislature of the State of California in 1968 adopted Senate Joint Resolution No. 3 requesting full participation of California Indians in all federal programs and services available to Indians of the United States; and

WHEREAS, The Congress of the United States in 1953 adopted House Concurrent Resolution No. 108, which became the basis for termination legislation and which expressed a sense of Congress that was imposed upon the Indian people; and

WHEREAS, Some terminated Indian groups and other California Indians wish to reestablish their trust relationship with the federal government; and

WHEREAS, The termination policy of House Concurrent Resolution No. 108 has since been abandoned by Congress in favor of the Indian consent policy expressed in revisions to Public Law 280 and Public Law 85-671; and

WHEREAS, House Concurrent Resolution No. 108 is still interpreted as the guiding policy by some federal agencies and officers in regard to services and programs for California Indians; and

WHEREAS, Many California tribal groups and Indian organizations regard various federal programs and services as a valuable resource that should be available to them; and

WHEREAS, The various federal agencies administering Indian programs for Indians of California should be able to operate their programs in a flexible manner in order to provide a sustained, positive and dynamic Indian policy with the necessary constructive programs and services needed by California Indians; and

WHEREAS, House Concurrent Resolution No. 245 which has been introduced in the Congress of the United States states a new national Indian policy that more clearly expresses the will of the California Indian people; and

WHEREAS, The sense of House Concurrent Resolution No. 245 should be applicable to the Indians of California especially since California is emerging as the state with the largest Indian population; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a policy that insures that California Indians are included to the fullest extent in various

federal programs and services that are available to other Indians of the United States; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Commissioner of Indian Affairs, to the Secretary of Health, Education, and Welfare, to the Director of the Division of Indian Health of the United States Public Health Service, to each member of the National Council on Indian Opportunity, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the chairmen of the committees of the United States Congress dealing with the subject of this resolution.

RESOLUTION CHAPTER 375

Senate Joint Resolution No. 34—Relative to the Richard Milhous Nixon Birthplace National Historic Site.

[Filed with Secretary of State August 22, 1969.]

WHEREAS, All the Presidents of the United States of America have had a profound effect upon the history of this nation; and

WHEREAS, It has been the policy of the federal government of the United States to preserve and restore birthplaces of its Presidents; and

WHEREAS, The preservation and restoration of the birthplace of Richard Milhous Nixon is in the national public interest; and

WHEREAS, The Nixon birthplace has been adequately maintained and is now available for acquisition and development by the federal government; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation to acquire, restore, and develop the birthplace of President Richard Milhous Nixon and to designate that site as the Richard Milhous Nixon Birthplace National Historic Site; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 376

Senate Concurrent Resolution No. 31—Relative to Indian studies.

[Filed with Secretary of State August 25, 1969.]

WHEREAS, California elementary and secondary schools are required by law to offer courses of study dealing with the American Indian heritage; and

WHEREAS, The first 20,000 years of American history are Indian history; and

WHEREAS, The Americas are today populated by thirty million Indians and a total of perhaps one hundred million persons of Indian descent; and

WHEREAS, California is today the home of at least one out of every six United States tribal Indians as well as the home of two million persons of Mexican Indian descent; and

WHEREAS, Indian people possess a rich legacy of art, music, literature, inventions, religion, philosophy, crafts, and folk customs; and

WHEREAS, American Indians today stand in great need of special educational programs, possessing as they do the lowest income, highest unemployment, highest death rate, highest suicide rate, lowest formal educational achievement rate, and lowest college enrollment rate of any ethnic group in the United States; and

WHEREAS, No college or university in the State of California offers or has ever offered regular courses in American Indian History, American Indian Art, American Indian Education, American Indian Music, American Indian languages (north of Mexico), or in any other Indian subject other than in specialized anthropology courses; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Regents of the University of California are urged to: (1) designate one campus in northern California and one campus in southern California as centers for the development of a complete program of instruction and research relative to American Indian studies, (2) develop a College of American Indian Studies to be developed as expeditiously as possible on at least one of the above, and, (3) encourage the development of Indian-related courses designed especially to meet the special needs of Indian regular and adult students and of non-Indian teacher candidates at the above campuses and elsewhere; and be it further

Resolved, That the Trustees of the California State Colleges are urged to designate one campus in northern California and one campus in southern California as centers for the development of courses of instruction relating to American Indians; and be it further

Resolved, That the Board of Governors of the California Community Colleges are urged to authorize courses relating to American Indians; and be it further

Resolved, That the members of governing boards of districts maintaining junior colleges are encouraged to authorize courses relating to American Indians; and be it further

Resolved, That the Coordinating Council for Higher Education is urged to make every effort to facilitate the aforementioned American Indian higher education programs; and be it further

Resolved, That the University of California, the California state colleges, the California junior colleges, and the Coordinating Council for Higher Education, are encouraged to work closely with American Indian organizations in the development of any special American Indian programs; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Regents of the University of California, the Trustees of the California State Colleges, trustees of each junior college district, the Coordinating Council for Higher Education, and the Higher Education Committee of the California Indian Education Association.

RESOLUTION CHAPTER 377

Senate Concurrent Resolution No. 126—Relative to a study and proposed treatment program for youthful drug abusers.

[Filed with Secretary of State August 25, 1969]

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Department of the Youth Authority is hereby requested to submit to the 1970 Regular Session of the Legislature a comprehensive report, including the results of "Project 99," which details the efforts of the department with regard to the treatment of youthful drug abusers and delineates the success or failure of the department programs in rehabilitation; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of the Department of the Youth Authority.

RESOLUTION CHAPTER 378

Senate Concurrent Resolution No. 128—Relating to a Joint Committee on Seismic Safety.

[Filed with Secretary of State August 25, 1969]

WHEREAS, The State of California has a positive interest in minimizing the disastrous effects of major earthquakes particularly in the heavily populated areas of the state such as the

San Francisco Bay and the Los Angeles metropolitan areas; and

WHEREAS, An earthquake of the magnitude of the 1906 San Francisco catastrophe should it occur today could result in untold loss of life and inestimable property damage due to the rapid growth of urban areas in the past 60 years; and

WHEREAS, The Legislature finds that a considerable reduction in catastrophic damage due to earthquake could possibly be achieved if a detailed study is undertaken to determine the nature of California seismic and related hazards, the effect of seismic rupture upon existing metropolitan structures, utility services, transportation, communications, and the general welfare, and in what manner precautions can be taken to minimize the damage, loss of life, and disruption to the economy should a major earthquake occur; and

WHEREAS, The San Francisco Bay area is a most logical place for such a study to begin since the area contains almost all the types of earthquake-related hazards and hazard-increasing circumstances to be found in the state: It is traversed by two major active faults; it has filled land and water-saturated subsoils; its topography includes inhabited hillsides and slopes susceptible to slides; it has many water storage dams and reservoirs; it is heavily populated with attendant urban problems; it has both old and new structures of widely varying design; and it is a nine-county area large enough to permit a thorough and comprehensive study, the findings of which will be of practical value throughout the state; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, As follows:

1. The Joint Committee on Seismic Safety is created and authorized to study with particularity the earthquake related problems confronting the San Francisco Bay area and so much other of the state as it should appear advisable; the committee is further directed to develop seismic safety plans and policies and recommend to the Legislature any needed legislation to minimize the catastrophic effects upon the people, property, and the operation of our economy should a major earthquake strike any portion of the State of California.

2. The Joint Committee on Seismic Safety shall consist of four members of the Senate appointed by the Committee on Rules which shall also appoint the chairman, plus four members of the Assembly appointed by the Speaker of the Assembly who shall also appoint the vice chairman.

3. The Joint Committee shall be advised by the advisory groups set forth below:

A. Advisory Group on Engineering Considerations and Earthquake Sciences.

This group shall review available scientific and engineering knowledge relative to the reduction of the risks of damage due to earthquake and related geologic hazards. It shall make recommendations to the committee based upon its findings.

Its judgment in the fields of engineering and earthquake sciences shall guide all other advisory groups. It shall review the progress reports of all other advisory groups and may recommend such changes, elaborations, or new directions as may appear desirable. It shall provide, insofar as feasible, technical information and opinions on submitted questions to other advisory groups.

The composition of the Advisory Group on Engineering Considerations and Earthquake Sciences shall include:

(a) One representative of the Division of Mines and Geology appointed by the Secretary of the Resources Agency.

(b) One representative of the Division of Safety of Dams appointed by the Secretary of the Resources Agency.

(c) One representative of the Office of Architecture and Construction appointed by the State Architect.

(d) Seven persons with experience and acknowledged reputations in the relevant professional fields shall be appointed by the committee as follows:

(i) One representative after consultation with the officers of the San Francisco Section of the American Society of Civil Engineers.

(ii) One representative after consultation with the officers of the Structural Engineers Association of Northern California.

(iii) One representative after consultation with the officers of the San Francisco Chapter, Association of Engineering Geologists.

(iv) One representative after consultation with the officers of the California Council of the American Institute of Architects.

(v) Three representatives after consultation with the officers of the Earthquake Engineering Research Institute.

(e) Two persons representing appropriate academic disciplines appointed by the committee after consultation with the Chancellor of the University of California, Berkeley, and the President of Stanford University.

(f) Two members appointed from the public at large at the discretion of the committee.

B. Advisory Group on Disaster Preparedness.

This group shall be responsible for reviewing and evaluating the adequacy of existing disaster plans insofar as they relate to the probable consequences of disastrous earthquakes. The group should give special emphasis to the development of plans to marshal human, physical, and economic resources necessary to minimize human and material losses flowing from earthquake disaster, and to facilitate restoration of the normal life of the region as expeditiously as possible. The group should recommend preearthquake measures that will help to minimize human and material losses flowing from earthquake disaster.

The composition of the Advisory Group on Disaster Preparedness shall include:

(a) One representative of the U.S. Office of Emergency Preparedness appointed by the Director of the Office of Emergency Preparedness.

(b) One representative appointed by the Director of the Disaster Office of the Governor's Council.

(c) Seven persons appointed by the committee with knowledge in fields relevant to disaster preparedness, including not less than one physician, one representative of a public utility, one civil engineer, one architect, and one representative of the American Red Cross.

(d) Five representatives of local government, appointed by the committee after consultation with the Association of Bay Area Governments. Two of these representatives shall be building inspectors of cities within the San Francisco Bay area and each building inspector shall hold a valid California civil engineer's license.

(e) Three members appointed from the public at large or from private organizations at the discretion of the committee.

C. Advisory Group on Postearthquake Recovery and Redevelopment.

This group shall be responsible for recommending a series of general contingency plans to guide the long-term work of recovery, reconstruction, relocation where desirable, and redevelopment. The plans shall include variable courses of action based upon the several parameters of earthquake location, duration, intensity and damage.

The composition of the Advisory Group on Postearthquake Recovery and Redevelopment shall include:

(a) Four persons appointed by the committee from the fields of insurance, banking and finance, law, and urban renewal.

(b) Four persons with experience and acknowledged reputations in relevant professional fields appointed by the committee as follows:

(i) One representative after consultation with the officers of the California Chapter of the American Institute of Planners.

(ii) One representative after consultation with the officers of the California Council of the American Institute of Architects.

(iii) One representative after consultation with the officers of the San Francisco Section of the American Society of Civil Engineers.

(c) One representative of residents living in areas having substantial proportions of older, low-income housing after consultation with representatives of low-income groups in San Francisco, Oakland, and San Jose.

(d) Three representatives of local government after consultation with the Association of Bay Area Governments.

(e) One representative of the Department of Housing and Community Development appointed by the director.

(f) Two representatives of the public at large appointed at the discretion of the committee.

D. Advisory Group on Land Use Planning.

This group shall determine the limitations that should be placed upon the use of land subject to seismic hazard for appropriate inclusion in the land use plans of state, regional, and local governments.

The composition of the Advisory Group on Land Use Planning shall include:

(a) Three representatives of local government, appointed by the committee after consultation with the Association of Bay Area Governments.

(b) Five persons with experience and acknowledged reputations in relevant professional fields appointed by the committee as follows:

(i) Two representatives after consultation with the officers of the California Chapter of the American Institute of Planners.

(ii) One representative of the San Francisco Section of the American Society of Civil Engineers.

(iii) One representative of the California Council of the American Institute of Architects.

(iv) One representative of the San Francisco Chapter of the Association of Engineering Geologists.

(c) One representative of the State Office of Planning appointed by the State Planning Officer.

(d) Two representatives of the academic community appointed by the commission after consultation with the Chancellor of the University of California, Berkeley, and the President of Stanford University.

(e) Two representatives of the public at large appointed at the discretion of the committee.

E. Advisory Group on Governmental Organization and Performance.

This group shall study local government organization so as to determine how the plans formulated by the other advisory groups to reduce the risk of loss due to earthquake disaster may best be carried into effect. It shall recommend modifications in existing government organization so that local government jurisdiction is sufficient to enable it to exercise the requisite authority to make the emergency measures effective. It shall recommend new governmental institutions should they appear essential.

The composition of the Advisory Group on Governmental Organization and Performance shall include:

(a) Two representatives of local government appointed by the committee after consultation with the Association of Bay Area Governments.

(b) Two persons appointed by the committee after consultation with the chairman of the Joint Committee on Bay Area Regional Organization.

(c) One person appointed by the committee after consultation with the chairman of the Bay Conservation and Development Commission.

(d) Three persons appointed by the committee who have been active in governmental studies in the San Francisco Bay area.

(e) Three representatives of the public appointed by the committee.

(f) Two representatives of the academic community appointed by the committee after consultation with the Chancellor of the University of California, Berkeley, and the President of Stanford University.

(g) Two representatives from the public at large appointed at the discretion of the committee.

4. The Joint Committee on Seismic Safety and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and the Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

5. The Joint Committee shall have the following additional powers:

(a) To meet at such times and places as it may deem proper.

(b) To employ such professional, secretarial and clerical staff, together with such special assistants and consultants as may be necessary.

(c) To contract with such other agencies, public or private, as it deems necessary, for the rendition of such services, facilities, studies and reports to the joint committee as will best assist it to carry out its duties and responsibilities.

(d) To cooperate with and to secure the cooperation of county, city, city and county, regional, multicounty and other local agencies in investigating any matter within the scope of its duties and responsibilities.

(e) To cooperate with any federal, state or local agency, public and private, which is engaged in making studies of earthquake hazard.

(f) To accept funds from federal, state, and local agencies, and to receive contributions from private sources.

(g) To create additional advisory groups and 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.

6. The Joint Committee on Seismic Safety shall file a progress report with the Legislature not later than June 30, 1970, and shall file a final report with the Legislature not later than June 30, 1974. The final report shall contain:

(a) The results of the detailed study made by the committee.

(b) A plan for continuous revision of the study as new information is obtained.

(c) A plan to minimize the probable loss to life, property, and minimize the disruption of the local economy should an earthquake disaster occur.

(d) A plan for appropriate and effective response to the immediate problems arising after an earthquake disaster.

(e) Such other information and recommendations as the committee deems desirable.

7. The sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the committee and its members and for any charges, expenses or claims it may incur under this resolution, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 379

Senate Concurrent Resolution No. 129—Relative to drug offenders and narcotic addicts.

[Filed with Secretary of State August 25, 1969.]

WHEREAS, Community mental health services have been involved for a number of years in the voluntary treatment of drug abuse; and

WHEREAS, Legislation introduced in the 1969 Regular Session of the Legislature would provide for the involuntary treatment of drug users under procedures of the Short-Doyle Act; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the State Department of Mental Hygiene present a report to the 1970 Regular Session of the Legislature which would provide an evaluation of the kinds and types of services as well as effectiveness of those services provided by community mental health programs in regard to the treatment of drug abuse; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the State Department of Mental Hygiene.

RESOLUTION CHAPTER 380

Senate Concurrent Resolution No. 140—Relative to United Nations Day.

[Filed with Secretary of State August 25, 1969.]

WHEREAS, Twenty-four years ago, on October 24, 1945, the United Nations Charter came into existence; and

WHEREAS, The General Assembly of the United Nations designated October 24th for the annual observance of United Nations Day, to be devoted by all member nations to making known to the people of the world the aims and achievements of the United Nations and to gaining their support for the work of the United Nations; and

WHEREAS, The President of the United States will issue a proclamation declaring October 24, 1969, as United Nations Day in the United States; and

WHEREAS, The citizens of the State of California are fully aware that our survival requires worldwide cooperation and that this country's highest hopes are in harmony with the hopes and aspirations of peoples everywhere; and

WHEREAS, The United Nations Organization was founded upon the hope that it would contribute to world peace, out of respect for the principle of equal rights and self-determination of people, to reaffirm faith in fundamental human rights, and to raise the standard of living for all men; and

WHEREAS, Effective public support for the United Nations depends upon a sober appraisal of its accomplishments; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor is requested to proclaim October 24, 1969, as "United Nations Day" in California; and be it further

Resolved, That all citizens of California are encouraged to observe October 24, 1969, for the purpose of developing an understanding of the problems as well as the potential of the United Nations; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 381

Senate Concurrent Resolution No. 163—Relative to Judge M. G. Del Mutolo.

[Filed with Secretary of State August 25, 1969.]

WHEREAS, The Members of the Legislature are most sincerely and profoundly saddened to learn of the death of M. G. Del Mutolo, longtime jurist and former Assemblyman; and

WHEREAS, Judge Del Mutolo was born in Pisa, Italy, and came with his parents to California at the age of nine; and

WHEREAS, Judge Del Mutolo finished grammar school in a lumber camp school and attended high school in Santa Clara before working his way through the University of Santa Clara; and

WHEREAS, After establishing a law practice in San Jose, he successfully ran for the Assembly in 1938 and was reelected in 1940; and

WHEREAS, During his terms of office as an Assemblyman he worked for economy measures and more equitable taxes; and

WHEREAS, He was appointed to the superior court bench in Santa Clara County by Governor Olson and served with distinction in every judicial position in the court; and

WHEREAS, Judge Del Mutolo worked on behalf of numerous Italian-American cultural activities and was recognized by the President of Italy, who named him to the coveted Order of the Cavalieri; and

WHEREAS, Judge Del Mutolo was a member of the Conference of California Judges, and a former director of San Jose Elks Lodge 522 and the Eagles, Aerie No. 8 of San Jose; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members express their deep regret on the passing of Judge M. G. Del Mutolo and extend their sincere condolences to his family and many friends; and be it further

Resolved, That the Secretary of the Senate transmit suitably prepared copies of this resolution to his widow, Mrs. Dolores Del Mutolo, and to his daughter, Mrs. Celia Brown.

RESOLUTION CHAPTER 382

Senate Concurrent Resolution No. 164—Relative to the bicentennial of winegrowing in California and National Wine Festival Month.

[Filed with Secretary of State August 25, 1969.]

WHEREAS, California is celebrating the bicentennial of winegrowing in the Golden State in 1969 and enjoys preeminence in this, the 200th anniversary of the planting of the first grapes; and

WHEREAS, It is appropriate that we officially recognize the growth and acceptance of an industry which first began in the most rudimentary fashion in the old Mission at San Diego in 1769; and

WHEREAS, Today, two centuries later, the California wine industry has won increasing recognition throughout the world for the quality and general excellence of its wine; and

WHEREAS, Today, three-fourths of the wine enjoyed in the United States comes from the sunny vineyards of California; and

WHEREAS, The grape and wine industry of this state leads all other cultivated fruit crops in acreage, capital investment, and value of product; and

WHEREAS, The National Wine Festival, October 1 through 31, will honor the wines of California and the bicentennial observance; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members request the Governor to proclaim October 1969 as National Wine Festival Month in California and urge California citizens to toast the new vintage and the entering upon of the third century of winegrowing in this state; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor.

RESOLUTION CHAPTER 383

Senate Concurrent Resolution No. 165—Relative to "Project Concern's Walk for Mankind Day."

[Filed with Secretary of State August 25, 1969.]

WHEREAS, Friends and members of the Santa Rosa and San Francisco Committees of Project Concern will be Walking for Mankind on September 6, 1969, to show and gain support for Project Concern, an international medical relief organization; and

WHEREAS, This walk, a 20-mile distance between the cities of Santa Rosa and Sonoma, is the first such walk in California, and will offer everyone, regardless of background, an opportunity to show their concern about the less fortunate; and

WHEREAS, It is fitting that the first Project Concern Walk for mankind be held in the state of which its founder and leader, James W. Turpin, M.D., is a resident, and in which Project Concern, Inc., is incorporated; and

WHEREAS, Since the founding of Project Concern, Inc., by its dedicated leader, Dr. Turpin, in 1962, clinics and hospitals have been established and maintained in Hong Kong, Vietnam, Mexico, and the Appalachia region of the United States of America; and

WHEREAS, Project Concern, with its world headquarters in San Diego, will assist more than 200,000 ill and hungry children and adults in 1969 alone; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Governor of the State of California is requested to proclaim September 6th, 1969, as "Project Concern's Walk for Mankind Day" in the State of California; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Governor, and suitably prepared copies to Dr. James W. Turpin, founder and president of Project Concern, Miss Effie Chow, Chairman of the San Francisco Bay Area Chapter, and Mr. Frank D. Winston, Legal Counsel of the San Francisco Bay Area Chapter.

RESOLUTION CHAPTER 384

Assembly Joint Resolution No. 62—
Relative to alien pupils.

[Filed with Secretary of State August 25, 1969]

WHEREAS, There has been an impact of nonimmigrant alien pupils receiving an education from local school districts in California; and

WHEREAS, There are pupils who are illegal entrants to the United States who live and reside in school districts in California; and

WHEREAS, These pupils attend the public school and the county pays for the total cost of educating these pupils; and

WHEREAS, This fact creates a tax burden on the local taxpayers in each county; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to provide the cost for the education of such alien pupils, less state reimbursement, for those impacted areas, thereby reducing the financial hardship to school districts and counties, and that the United States Department of Immigration be provided more assistance in controlling illegal entrance of alien pupils across international borders of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 385

Assembly Concurrent Resolution No. 127—Relative to the development of a consolidated application proposal for federal funds.

[Filed with Secretary of State August 25, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Superintendent of Public Instruction to establish a broad-based working committee composed of selected school district business officials to develop a consolidated application form and to develop improved administrative procedures for the application for and the disbursement of federal categorical aid funds; and be it further

Resolved, That a consolidated application form and the improved administrative procedures for the application for

and the disbursement of federal categorical aid funds shall be developed by the working committee in cooperation with representatives from the Department of Finance, the Office of the Auditor General, and the office of the Legislative Analyst, and a representative of the Assembly Committee on Education appointed by the Speaker of the Assembly, and a representative of the Senate Committee on Education appointed by the Senate Committee on Rules; and be it further

Resolved, That the Superintendent of Public Instruction submit to the Legislature, on the fifth legislative day of the 1970 Regular Session, a detailed proposal developed by the working committee relating to a consolidated application form and improved administrative procedures for the application for and the disbursement of federal categorical aid funds which can be implemented during the 1970–1971 fiscal year; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Superintendent of Public Instruction, the Director of Finance, the Office of the Auditor General and the Legislative Analyst.

RESOLUTION CHAPTER 386

Assembly Concurrent Resolution No. 175—Relative to the creation of the Joint Committee on National Tax Policy.

[Filed with Secretary of State August 25, 1969]

WHEREAS, The United States Treasury Department submitted to the Congress extensive proposals for income tax reform early in January 1969; and

WHEREAS, There will be proposals forthcoming for sharing federal revenues with the states and for augmenting state revenues by grants-in-aid; and

WHEREAS, There are numerous proposals in the Congress now that relate to the state taxation of national banks, corporations doing business in two or more states and the property of interstate carriers; and

WHEREAS, Congressional committees are now preparing extensive amendments to the Internal Revenue Code of 1954, and such amendments will require decisions by the Legislature with respect to whether or not such changes should be incorporated into California's tax laws; and

WHEREAS, It is essential that the Legislature keep itself informed on the thinking, proposals and action of the federal administration and Congress on tax and revenue sharing matters that will affect California; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, As follows:

1. The Joint Committee on National Tax Policy is hereby created and authorized and directed to ascertain, study and analyze all facts relating to major tax proposals, revenue sharing proposals, and proposals for block grants before the Congress and to inform the Legislature of federal action on such matters affecting California.

2. The committee shall consist of 10 members, with five Members of the Assembly being appointed by the Speaker thereof, and five Members of the Senate being appointed by the Senate Committee on Rules. Vacancies occurring in the membership of the committee shall be filled by the appointing power.

3. The committee is authorized to act during this session of the Legislature, including any recess, and after final adjournment thereof, and during the 1970 Regular Session of the Legislature, including any recess, and after final adjournment thereof, until 15 days after adjournment of the 91st Congress of the United States.

4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon investigating committees and their members by the provisions of the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time at this session, which provisions are incorporated herein and made applicable to this committee and its members.

5. The committee has the following additional powers and duties:

(a) To select a chairman and vice chairman from its membership.

(b) To contract with such other agencies, public or private, as it deems necessary for the rendition and affording of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes for which it was created.

(c) To report its findings and recommendations to the Legislature from time to time and at any time as it deems consistent with the purposes for which it was created.

(d) To do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this resolution.

6. The committee and each subcommittee thereof are authorized to leave the State of California in the performance of their duties.

7. The committee is authorized to represent California before the Congress and federal executive agencies to maximize the amount of revenue to be allocated to California and to minimize losses of such revenue.

RESOLUTION CHAPTER 387

Assembly Concurrent Resolution No. 204—Relative to the Joint Legislative Ethics Committee.

[Filed with Secretary of State August 25, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of ten thousand dollars ($10,000), or so much thereof as may be necessary is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Joint Legislative Ethics Committee and its members and for any charges, expenses or claims it may incur, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 388

Assembly Concurrent Resolution No. 214—Relative to the Sixth District Agricultural Association.

[Filed with Secretary of State August 25, 1969]

WHEREAS, The City of Los Angeles maintains a recreational center upon property owned by the Sixth District Agricultural Association; and

WHEREAS, This recreational center serves as a meeting place for young and old; and

WHEREAS, The Sixth District Agricultural Association has given the city a notice to vacate the property; and

WHEREAS, The association claims the property involved is needed for an exit from other association property; and

WHEREAS, There is presently a filling station located upon the property which could be used for such an exit; and

WHEREAS, The property is greatly needed by the city for its value as a gathering place for the young and senior citizens of the city; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request the Sixth District Agricultural Association to reconsider its order to the City of Los Angeles to vacate the property of the association upon which the city maintains a recreational center and to explore other means for obtaining its desired exit from other association property; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Board of Directors of the Sixth District Agricultural Association, the Director of General Services, and any other affected state officials.

RESOLUTION CHAPTER 389

Assembly Concurrent Resolution No. 218—Relative to the state college budget.

[Filed with Secretary of State August 25, 1969]

WHEREAS, It has been felt that the line item budget impairs the control, responsibility and needed flexibility of the Trustees of the California State Colleges in the allocation of funds for specific programs; and

WHEREAS, Rigid budget restrictions may impair the ability of the trustees to respond to conditions necessitating changes; and

WHEREAS, The Report of the Select Committee on Campus Disturbances has recommended this area for further legislative study; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Joint Legislative Budget Committee study the subject of the budgetary procedures relating to the California State Colleges and the feasibility and the desirability of affording the Trustees of the California State Colleges greater control and responsibility over the allocation of funds appropriated to the colleges and over the financial operations of the auxiliary and foundation funds; and be it further

Resolved, That the Joint Legislative Budget Committee report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1970 Regular Session.

RESOLUTION CHAPTER 390

Assembly Concurrent Resolution No. 220—Relative to the Joint Committee on Legislative Organization and the Constitution Revision Commission.

[Filed with Secretary of State August 25, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That in addition to any money heretofore made available the sum of one million ninety-three thousand seven hundred nineteen dollars ($1,093,719), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and the Senate for the expenses of the Joint Committee on Legislative Organization (created by Section 9107 of the Government Code and Joint Rule 40) and its members and for any charges, expenses, or claims it may incur under said statute and resolution and for the expenses of the Constitution Revision Commission and its members, to assist the committee in its revision of the California Constitution, to be paid from the said contingent fund

and disbursed after certification by the chairman of the Joint Committee on Legislative Organization upon warrants drawn by the State Controller upon the State Treasurer; and be it further

Resolved, That the Joint Committee on Legislative Organization is authorized to continue the existence of the Constitution Revision Commission as continued in existence pursuant to Resolutions Chapter 202 of the 1968 Regular Session.

RESOLUTION CHAPTER 391

Assembly Concurrent Resolution No. 226—Relative to the American Revolution Bicentennial Commission of California.

[Filed with Secretary of State August 25, 1969]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the sum of two thousand dollars ($2,000), or so much thereof as may be necessary, is hereby made available from the Contingent Funds of the Assembly and Senate for the expenses of the Joint Interim Committee on the American Revolution Bicentennial and its members, to be paid from the said fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

RESOLUTION CHAPTER 392

Assembly Concurrent Resolution No. 229—Relative to education for Vietnam veterans.

[Filed with Secretary of State August 25, 1969.]

WHEREAS, Only 20 percent of the Vietnam veterans eligible for college assistance have entered college; and

WHEREAS, The participation in college by veterans of World War II and the Korean War was several times the present rate; and

WHEREAS, A "veteran special" admission category was established at the University of California as a special admission status for veterans of World War II and the Korean War who had insufficient academic records to be admitted to the university program but were mature and highly motivated, but was eliminated as a result of the Donahoe Higher Education Act in 1960, incorporating the Master Plan for Higher Education; and

WHEREAS, Many of the Vietnam veterans are moving into the economy woefully undertrained for the jobs available, even after their training in the military services; and

WHEREAS, Encouragement should be given to veterans to participate in higher education in order that they and the community may make full use of their experience, maturity, and skills; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature declares its intent that the University of California and the California State Colleges shall admit honorably discharged veterans of the United States military service, who were residents of the State of California at the time of their entry into such military service, who apply for admission as new students to the university or a state college, who are not fully eligible under the regular standards for admission, and who are deemed by the appropriate officials of the university or a state college to show promise, motivation, and ability to successfully complete a program of higher education, in addition to and without regard to persons admitted under the special admission policy established in Resolution Chapter No. 157 of the Statutes of 1960 or under any law, rule, or policy governing such special admissions; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Board of Regents of the University of California and to the Trustees of the California State Colleges, and Coordinating Council for Higher Education.

RESOLUTION CHAPTER 393

Assembly Concurrent Resolution No. 234—Relative to designating the Olympic Tunnel as the Robert E. McClure Tunnel.

[Filed with Secretary of State August 25, 1969]

WHEREAS, Robert E. McClure served as a member of the California Highway Commission from 1954 to 1962; and

WHEREAS, During that time he played a significant role in expanding the freeway system of the Los Angeles metropolitan area; and

WHEREAS, He was named Southern California Chairman of Citizens for Freeways and has served on various other advisory committees for promoting California highways and freeways; and

WHEREAS, He played a significant and instrumental role in the development of the Santa Monica Freeway route; and

WHEREAS, He was presented a scroll at the freeway dedication ceremonies in October 1964 by the county board of supervisors which cited him as the "Father of the Santa Monica Freeway"; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Olympic Tunnel on the Santa Monica Freeway is hereby designated instead as the Robert E. McClure Tunnel; and be it further

Resolved, That the Division of Highways in the Department of Public Works is hereby requested to erect and maintain appropriate signs showing the designation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Director of Public Works.

RESOLUTION CHAPTER 394

Assembly Concurrent Resolution No. 128—
Relative to vocational education.

[Filed with Secretary of State August 27, 1969]

WHEREAS, Vocational education in California is a vital force in providing the state with trained manpower, in reducing unemployment, and in countering high school dropout rates; and

WHEREAS, Numerous statewide studies have raised serious questions as to a lack of coordination and cooperation among the state's high schools, community colleges, and private schools in providing "career ladder" programs—from the high school level through the community college level; and

WHEREAS, The matter of statewide "career ladder" transferable curriculum for vocational students is of primary public concern in curbing high school dropout rates and capturing the ambitions of high school and junior college youth; and

WHEREAS, A statewide "career ladder" transferable curriculum and effective occupational guidance depends to a high degree upon the coordination and cooperation of both academic and vocational educators in translating one another's curriculum into understandable, common standards; and

WHEREAS, A basic function of the Advisory Council on Vocational Education is to explore, research, and conduct studies in matters affecting the whole of vocational education; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the members request that the Advisory Council on Vocational Education engage in a comprehensive, in-depth study of the feasibility of (a) statewide "career ladder" transferable curriculum from the high school level through the community college level, and (b) statewide "career ladder" guidance and counseling from the high school level through the community college level—both with the aim of curbing high school dropout rates and capturing the ambitions of youth; and be it further

Resolved, That the members request that the Advisory Council on Vocational Education submit to the Legislature not later than the fifth legislative day of the 1971 Regular Session of the Legislature a report of its findings and recommendations in connection with said study; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Advisory Council on Vocational Education.

RESOLUTION CHAPTER 395

Assembly Joint Resolution No. 66—Relative to the Intergovernmental Cooperation Act of 1968.

[Filed with Secretary of State September 15, 1969.]

WHEREAS, In enacting the Intergovernmental Cooperation Act of 1968, (P.L. 90-577), the Congress of the United States has declared its intent to achieve the fullest cooperation and coordination of activities among the levels of government in order to improve the operation of our federal system in an increasingly complex society; and

WHEREAS, The California Legislature concurs in and supports this objective; and

WHEREAS, The Congress of the United States is presently considering amendments to the Intergovernmental Cooperation Act of 1968, including certain provisions designed to improve the system of grants-in-aid to the states; and

WHEREAS, Within the federal system the states have unique capabilities in terms of innovating and serving as a testing ground for possible solutions to critical public problems; and

WHEREAS, The California Legislature has demonstrated its willingness and ability to take the initiative in seeking new approaches to problems such as air pollution, crime prevention, transportation, education and other pressing problems; and

WHEREAS, Such efforts on the part of state legislatures will advance the objectives of the Intergovernmental Cooperation Act of 1968 and therefore merit endorsement and support at the federal level, including the provision of financial assistance; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact amendments to the Intergovernmental Cooperation Act of 1968 to permit state legislatures to receive funds for research, demonstration and feasibility purposes under existing federal grant-in-aid programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

RESOLUTION CHAPTER 396

Assembly Concurrent Resolution No. 249—Relative to the California Medical Assistance Program.

[Filed with Secretary of State September 15, 1969.]

WHEREAS, The Legislature has been informed that there is a great delay by the fiscal intermediary in the Medi-Cal program in paying claims of pharmacists made under the program; and

WHEREAS, Delays in such payments have in some instances exceeded one year after submission of claims; and

WHEREAS, Such delays have imposed great hardships on pharmacists, since they must also meet the costs of doing business; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Auditor General is directed to conduct an immediate investigation into the payment of claims of pharmacists under the Medi-Cal program and to report his findings and recommendations to the Legislature not later than the fifth legislative day of the 1970 Regular Session; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Auditor General.

RESOLUTION CHAPTER 397

Assembly Concurrent Resolution No. 250—Relative to adjournment of the 1969 Regular Session.

[Filed with Secretary of State September 15, 1969.]

Resolved by the Assembly of the State of of California, the Senate thereof concurring, That the 1969 Regular Session of the Legislature of the State of California shall adjourn sine die at 5 p.m. on September 10, 1969.

RESOLUTION CHAPTER 398

Senate Concurrent Resolution No. 167—Relative to the death of United States Senator Everett McKinley Dirksen.

[Filed with Secretary of State September 15, 1969.]

WHEREAS, It was with great sadness that the Members of the Legislature of California learned of the death of a great American statesman and political leader, United States Senator Everett McKinley Dirksen; and

WHEREAS, Always possessing a deep-rooted love for rural America, Senator Dirksen was born on January 4, 1896, in

Pekin, Illinois, a town of 22,000 in the central part of the state, and, after his father's untimely death when he was seven, he worked on the small family farm and peddled produce while attending high school; and

WHEREAS, Selling newspaper want ads in Minneapolis and peddling patent medicine door-to-door in South Dakota to raise funds, the Senator worked his way through the law school of the University of Minnesota and thereafter became a member of the State Bars of Illinois and the District of Columbia; and

WHEREAS, Answering the call of his country this valiant and brave American left college to join the United States Army during World War I as a private, and, distinguishing himself on the field of combat, won a battlefield commission as a second lieutenant; and

WHEREAS, Senator Dirksen represented the people of the 16th Illinois Congressional District for 16 years before his election as United States Senator for Illinois in 1950, and, rising through the ranks of leadership of the Republican Party, the Senator was elected minority whip in 1957 and minority leader in 1959, a post which he held until his death; and

WHEREAS, Relying only on notes rather than a prepared speech text and drawing on his vast knowledge of the Bible, Shakespeare, and world literature, Senator Dirksen was one of the 20th century's best known and well-received orators, as, in one breath, he could declaim like a thundering prophet, while in the next moment he could drop his voice to the softest whisper and let his audience hang on his every word; and

WHEREAS, Participating in many and varied debates in the halls of Congress throughout his many and devoted years of service to the citizens of Illinois and the United States, the Senator left an everlasting and impressive record in the annals of United States history, and for generations to come he will be remembered as an American who forthrightly cherished and applauded the achievements of his native land; and

WHEREAS, A prolific writer of plays, novels and short stories, Senator Dirksen met his gracious wife, Louella Carver, in a local theatrical group in Pekin, Illinois, and they have a lovely daughter, Danice Joy, who is the wife of Howard H. Baker, United States Senator from Tennessee; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the members mourn the passing of United States Senator Everett McKinley Dirksen and the loss to the nation of this outstanding and devoted statesman and commend the record of this great leader to the citizens of California and the United States as worthy of emulation by all; and be it further

Resolved, That the Secretary of the Senate transmit a suitably prepared copy of this resolution to Mrs. Louella Dirksen.